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BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

RIVERSIDE COUNTY ADMINISTRATIVE BUILDING
COUNTY CHAMBERS
4080 LEMON STREET
RIVERSIDE, CA

WEDNESDAY, NOVEMBER 15, 2006

9:41 A.M.

KATHRYN S. KENYON, CSR
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Margo Reid Brown, Chairperson

Mr. Jeffrey Danzinger

Ms. Rosalie Mul

Ms. Gary Petersen

Ms. Pat Wiggins

STAFF

Mr. Mark Leary, Executive Director

Mr. Elliott Block, Acting Chief Counsel

Ms. Julie Nauman, Chief Deputy Director

Ms. Kristen Garner, Executive Assistant

Mr. Jim Lee, Deputy Director, Special Waste Division

Mr. Howard Levenson, Deputy Director, Permitting &
Enforcement Division

Mr. Trevor O'Shaughnessy, Supervisor, State Agency
Assistance Section

ALSO PRESENT

Mr. Peter Anderson, Center for Competitive Waste Industry

Mr. Gordon Cooper

Mr. Roger Hanson

Ms. Patti Henshaw, Orange County

Mr. Matt Hickman, Riverside County

Mr. Hans Kernkamp, Riverside County

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APPEARANCES CONTINUED

Mr. Tim Miller, City of San Diego

Mr. Chuck Tobin, Burrtec Industries

Mr. John Tavaglione, Riverside County

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1 PROCEEDINGS

2 CHAIRPERSON BROWN: Now that we figured out the
3 technology, thank you all for joining us here. We're
4 happy to be in Riverside.

5 And I think we would like to first welcome
6 Supervisor Tavaglione.

7 MR. TAVAGLIONE: Thank you, Madam Chair.

8 Can you hear me?

9 There we go.

10 That's the first time I've stood on this side.

11 (Laughter.)

12 MR. TAVAGLIONE: Well, as you mentioned, I'm
13 Supervisor John Tavaglione, and I'm vice chair of the
14 Riverside County Board of Supervisors. And I'm honored to
15 be here today to welcome you to our beautiful county and
16 honored that you have accepted our invitation.

17 We know that you have a huge task on your agenda
18 throughout this state, as you deal with the waste
19 diversion issues. And we just want you to know how -- how
20 good it feels to us that you took the time to travel down
21 to Southern California and join us in our beautiful
22 county.

23 We are very proud -- through the leadership of our
24 waste management division under Hans Kernkamp and his
25 great team, that since the 2000 diversion requirements --

1 we have been able to reach those diversion requirements
2 since the limit took effect. And since 2004, we have been
3 achieving about 54 percent, and we're very pleased with
4 that. That's not an easy thing to do with a growing
5 county like Riverside County.

6 As you know, the state is growing throughout the
7 entire state. Riverside County is the fastest growing
8 county in the state of California. Since I have been in
9 office for 12 years, I've seen the county grow from
10 1.4 million people to a little over 2 million people now.
11 And along with the challenges of that growth, of course,
12 are the issues dealing with the waste and the management
13 of that waste. And I think we're doing a good job, but we
14 still have our challenges. And I wanted to mention to you
15 one of those challenges where I think we can work together
16 on, in terms of future direction.

17 Throughout the state -- and Riverside County, I
18 think is, and I know is no different -- we're seeing
19 illegal dumping occurring throughout the state of
20 California. And because of that illegal dumping, that was
21 one of the major issues that I put forth before my Board
22 recently, to completely restructure our code enforcement
23 agency, because that's who deals with illegal dumping.
24 And that restructure is well on its way. But as we move
25 forward with this challenge of illegal dumping, not only

1 here in the county and San Benito County to the north, but
2 throughout the state, we are going to hopefully be working
3 closely with you. Because we know that we're not going to
4 be able to address this challenge without some legislative
5 change, up at the State, and also some grant funding that
6 we would like to work closely with all of you on, in terms
7 of trying to do a better job, in not only prosecuting
8 those that we can catch, hopefully, for illegal dumping,
9 but also taking it off the streets and putting it in the
10 landfills where it belongs.

11 So I just want to reiterate again, thank you so
12 very much for being here. We know you stayed at the
13 Mission Inn last night. I was telling Gary and Rosalie
14 that is -- I grew up here, so I have stories that I can't
15 tell you about as a child at the Mission Inn. But there
16 are great stories. And I hope none of you got to sleep
17 near the haunted room. I can't tell you which room that
18 is. But if you had a restless night, it's probably
19 because you slept near the haunted room.

20 In any event, have a great day, enjoy our
21 state-of-the-art facility and we very much appreciate that
22 you're here, and we did order the great weather for you.

23 BOARD MEMBER MULÉ: Yes, thank you.

24 CHAIRPERSON BROWN: Thank you very much.

25 MR. TAVAGLIONE: Do you have any questions of me

1 while I'm here?

2 Okay.

3 If you have any technical concerns, give the guy
4 behind that one-way mirror an evil eye, and he'll get out
5 here.

6 CHAIRPERSON BROWN: Thank you very much,
7 Supervisor. We appreciate that.

8 And I think we need to call the roll.

9 EXECUTIVE ASSISTANT GARNER: Danzinger?

10 BOARD MEMBER DANZINGER: Here.

11 EXECUTIVE ASSISTANT GARNER: Mulé?

12 BOARD MEMBER MULÉ: Here.

13 EXECUTIVE ASSISTANT GARNER: Peace?

14 Petersen?

15 BOARD MEMBER PETERSEN: Here.

16 EXECUTIVE ASSISTANT GARNER: Wiggins?

17 BOARD MEMBER WIGGINS: Here.

18 EXECUTIVE ASSISTANT GARNER: Brown?

19 CHAIRPERSON BROWN: Here.

20 Thank you.

21 Couple of quick announcements for those of you in
22 the audience. We would like to remind you to please turn
23 your cell phone into the vibrate mode and turn it off if
24 you are planning on speaking.

25 If there is anybody in the audience who would like

1 to speak on any of the agenda items, there are speaker
2 slips located in the back of the room; and take them up to
3 Kristen, right here.

4 This Board will be going into a brief closed
5 session at the conclusion of our regular business, and
6 then adjourn directly from that.

7 And I would like to also announce that we would --
8 there's no coffee allowed in the audience. We would like
9 to have you -- please, if you have coffee, in the
10 auditorium, to please exit and discard it and return.
11 That is that a request of the County Administration
12 Building. So no coffee.

13 Sorry, Howard.

14 (Laughter.)

15 CHAIRPERSON BROWN: I will buy you coffee
16 afterwards; I will buy you a fresh cup later.

17 And we would like to invite everybody to please
18 stand for the Pledge of Allegiance.

19 (The Pledge of Allegiance was recited.)

20 CHAIRPERSON BROWN: Thank you. And I would like
21 to ask if any Board members have any ex partes to report?

22 BOARD MEMBER MULÉ: I'm up to date, Madam Chair.

23 BOARD MEMBER PETERSEN: Yes, I do, Madam Chair.

24 BOARD MEMBER WIGGINS: Up to date.

25 BOARD MEMBER DANZINGER: Ditto.

1 CHAIRPERSON BROWN: Please report.

2 BOARD MEMBER PETERSEN: Yesterday I visited with
3 Nadim Bahou at Global Plastics; Paul Relis over at CR&R;
4 and Tom Knox, and he's with the styrene plastics industry;
5 George Larson; and also with Lawrence Siegfried at
6 Timberman Recycling, yesterday.

7 And I would like to remind everybody today is
8 national happy -- national recycling day.

9 BOARD MEMBER MULÉ: American Recycling Day.

10 BOARD MEMBER PETERSEN: We can do it all.

11 CHAIRPERSON BROWN: Great.

12 BOARD MEMBER PETERSEN: Okay.

13 CHAIRPERSON BROWN: Thank you.

14 Okay. And I would like to move to our opening
15 remarks. We would just like to thank Riverside County,
16 the Administrative Department, the County Board of
17 Supervisors for hosting us in Riverside.

18 We had a wonderful day of tours yesterday, of
19 facilities here in the county as well as were greeted by
20 Waste Disposal Association last night; and just want to
21 thank everybody for the warm welcome in Riverside.

22 Then we do have another acknowledgement that we
23 would like to start with this morning. And a few of us
24 are new to the Board this year, myself being one of them.
25 And it's been a tremendous honor to work with one of our

1 colleagues, Pat Wiggins, who has -- we owe congratulations
2 to, for her successful victory in Senate District No. 2.

3 It's been an extreme pleasure working with you.

4 And we are going to miss you greatly as you go to the
5 Senate. But we know that we will have an ally and a
6 friend over in the Senate that we can turn to for some
7 increased legislative change for prosecution of illegal
8 dumping and other Board business.

9 So it's been such a pleasure, and I have really
10 enjoyed getting to know you, and we are going to miss you
11 tremendously.

12 BOARD MEMBER WIGGINS: Thank you. Actually, I --
13 maybe this is an appropriate time to make my --

14 CHAIRPERSON BROWN: Well, actually you have a few
15 more colleagues on the dais who would first like to pay
16 their respects and say a few words before we let you. So
17 I will open it up for a minute or two to each of my
18 colleagues.

19 Gary?

20 BOARD MEMBER PETERSEN: Pat, I remember when you
21 came on to the Board, and you came into -- well, I came
22 into your office to say hello, and she goes, "I need to
23 know what's going on around here." So we spent quite a
24 bit of time talking, but you have picked up on all this
25 stuff, and you really know what you're doing. And it's

1 going to be a grand thing that you are going to be in the
2 Legislature, doing what you are doing.

3 BOARD MEMBER WIGGINS: I'm carrying legislation
4 for you.

5 BOARD MEMBER PETERSEN: That's a grand thing. But
6 I have to tell you, you've been an F-ing great Board
7 member, and I know as a senator, there will be no bullshit
8 in the Senate.

9 BOARD MEMBER MULÉ: Pat, I just want to say, you
10 know, in the short time that you have been on the Board, I
11 have been so impressed in how you just picked up on the
12 issues, no pun intended. But you -- really, you honed in
13 on the issues and just got to the heart of the matter.
14 And more than anything, I truly admire and appreciate your
15 no-nonsense approach -- really, I do -- and your direct
16 approach to addressing issues. Really, you're a role
17 model for me. And I just want you to know how much I'm
18 going to miss you, here on the Board. I really am going
19 to miss you so much.

20 But at the same time I'm happy for you that you
21 are going to be moving on, back to the Legislature. And I
22 know that you will be our advocate over there. And I just
23 wanted, again, to thank for your hard work and dedication
24 on the time that you -- you know, with the time that you
25 were at the Board. So thank you so much.

1 BOARD MEMBER WIGGINS: Well, thank you.

2 BOARD MEMBER DANZINGER: You know, Pat, it was all
3 going so swell until the voters of the second senate
4 district decided to play Yoko Ono and break up the band.
5 I just want to echo everything that my colleagues said.
6 It's very -- it's bittersweet. No doubt, we're losing a
7 great colleague, but of course we're very happy for the
8 election and how well it went. I mean, I think the first
9 two races called on election night were the governor's
10 race and the second senate district, about five minutes
11 after the polls closed.

12 I want to say a couple things. I think what makes
13 a professional experience rewarding has a lot to do with
14 who you work closely with. God, I've worked -- I've
15 worked in a lot of jobs. And I can remember jobs where
16 the work was tolerable at best, but working with good
17 people make up for it. But I've never worked anywhere
18 where I've enjoyed the work and that made up for working
19 with jerks. And you've just been -- I don't -- I mean, I
20 don't think any of us could have asked for a better
21 colleague, a more thoughtful colleague, a more refreshing
22 colleague. And you know, I will always remember your
23 exchanges, passing notes to one another, and the good work
24 that we did for the state, for our people, and our
25 environment.

1 You have been a champion for the environment. You
2 have been a champion for common sense policy, which
3 sometimes is rare thing in Sacramento. You have been a
4 rare, independent voice. What strikes me, you don't speak
5 off anybody's talking points but your own. And you have
6 been a champion for the rural community, which I think is
7 very important to you. And I think that we can all agree
8 that you leave the Board knowing that you did fight a good
9 fight for the rural communities that have very unique
10 challenges. So I'm just going to join in wishing you a
11 fond farewell.

12 And one last thing, just to -- well, to paraphrase
13 from your own terminology, you have been a great friggin'
14 colleague to work with.

15 Wouldn't you agree, Margo?

16 CHAIRPERSON BROWN: I have to say, I think you
17 have been a flippin' good colleague.

18 BOARD MEMBER DANZINGER: Gary?

19 BOARD MEMBER PETERSEN: An F-ing good colleague
20 and great entertainment.

21 BOARD MEMBER MULÉ: Actually, I think you have
22 been a freakin' good colleague.

23 (Laughter.)

24 BOARD MEMBER DANZINGER: So farewell. We love
25 you, Pat.

1 BOARD MEMBER WIGGINS: Well, I'm not prone to --
2 well, thank you all. I -- this fellow got me chocolate
3 peanut butter chunk ice cream, Häagen Daz. I don't know
4 how he managed it because it's my favorite ice cream and I
5 couldn't get it anywhere else. And he spent -- he's just
6 been great.

7 But this Board really works well together. I'm so
8 happy about this. This is the best working board I guess
9 there's been for a while, ever. And there's a lot of
10 mutual respect for the colleagues that we work with. And
11 I have to say, this is the smartest, most capable
12 proficient staff I have ever seen in one place, ever. You
13 are so dedicated to the mission, and you're all so smart.
14 I'm just so impressed with all of you.

15 And so I -- that's what I'm going to miss about
16 leaving the Board, is all these dedicated, wonderful,
17 smart people. And so I just want to put in a good word
18 for convergent technologies, that we move into the future
19 with our eyes open and our money in our hand to get that
20 going so that we can make energy out of garbage. And the
21 Board is moving beyond 50 percent and hopefully that's
22 going to be the way we're going to go.

23 And having a disposal-based accounting system
24 instead of a diversion-by-ton system would make more
25 sense. So I hope that we can start looking at that

1 method, and the Board is already moving in that direction.
2 But I just want to give my gratitude to the Board for the
3 experience I've had here, the learning experience, because
4 I'm going to be doing a lot, I think, in the Senate to
5 help clean things up and make new things happen. So thank
6 you, thank you, thank you, all of you, for what you have
7 done.

8 (Standing ovation.)

9 CHAIRPERSON BROWN: We've had so much fun with you
10 Pat; the fun has only just started.

11 BOARD MEMBER WIGGINS: It's true.

12 CHAIRPERSON BROWN: Well, I spoke a little bit out
13 of order and already invited Supervisor Tavaglione for our
14 welcoming.

15 So I would like to next move to our presentation
16 for the Riverside County. Hans Kernkamp from the Solid
17 Waste Department, here in Riverside, to give us a little
18 presentation and update on where you are.

19 (Thereupon an overhead presentation was
20 presented as follows.)

21 MR. KERNKAMP: Chairwoman, members of the Board,
22 my name is Hans Kernkamp. I'm the general manager for the
23 Riverside County Waste Management Department. And I want
24 to tell you how absolutely thrilled and honored we are to
25 have you today; we have been talking about this for months

1 and months, and I can't believe the day is actually here.

2 And I definitely want to extend my appreciation,
3 as well, for giving me the opportunity to talk a little
4 bit about some of the exciting things that we're doing in
5 Riverside County.

6 --o0o--

7 MR. KERNKAMP: Give you a little overview of our
8 Riverside County system. Within Riverside County, we have
9 7 active landfills and 33 inactive landfills. Most of the
10 waste comes in at three major landfills of those seven,
11 and the other four landfills are more rural. And five
12 transfer stations as well that are a privately owned and
13 operated -- three of which are privately owned and -- two
14 of which are privately owned and operated -- and two of
15 which -- and three of which are operated privately, but
16 under a lease with the County.

17 There's also three rural collection centers. And
18 the system takes in about two and a half million tons per
19 year, of in-county waste, and about 1.1 to 1.3 million
20 tons per year of imported waste at the El Sobrante
21 landfill, which you toured yesterday, as well. El
22 Sobrante was recently reported as the second largest
23 landfill in the state. I would expect it to be the
24 largest landfill in the state once Puente Hills closes in
25 2013.

1 --o0o--

2 MR. KERNKAMP: Here's a quick image of our
3 landfill system. As you can see, we're a very large
4 county: 7200 square miles. We're very spread out; it's
5 got a healthy mix of urban and rural. We're very proud of
6 what we can do in-house. We have almost 300 people
7 working in our department, most of which are out in the
8 field, but in the office as well. We can do our own
9 engineering design; we do our own construction management;
10 our own landfill operations. Our engineering studies,
11 slope stability, hydrology, we do it all in-house; we're
12 very proud of that fact.

13 And our environmental systems design and
14 operation, we do that all in-house. We don't farm any of
15 that out. We run the gas collection systems and flare
16 stations at one pump and treat system.

17 We have our own planning group. And we act as
18 lead agency for the County, do our own EIRs and EAs, and
19 we operate and maintain our own fleet, both light and
20 heavy duty vehicles as well.

21 --o0o--

22 MR. KERNKAMP: I want to talk a little bit about
23 safety today, because unfortunately in 2003 our department
24 suffered a fatality at one of our landfills. A commercial
25 hauler was struck by an equipment operator. And that

1 particular event had a profound impact on staff.
2 Particularly, I believe, in our Department we have a very
3 dedicated staff that's really committed to doing their
4 job, and it really hit us hard. So we immediately began
5 to implement more aggressive safety programs that would
6 hopefully prevent this type of event from occurring again.

7 --o0o--

8 MR. KERNKAMP: We revamped the landfill traffic
9 safety study that had actually already begun prior to that
10 event. And we -- one of the first things that came out of
11 that was that we have a -- the signage at the landfills
12 was not consistent; it was outdated; and people weren't
13 really paying attention to those signs.

14 So what we did was -- one of the first things we
15 did was replace the landfill signs, and we use Caltrans
16 standards. So the signs that you see now, as you come to
17 any of our County landfills, is basically consistent with
18 the signage that you would see as you are driving on the
19 public roads. And we also had -- what we did once was
20 implement and reviewed by a transportation firm that had
21 over 70 years of experience, and they -- they were very
22 impressed with what we did, and they said, "Don't change a
23 thing; you have done a wonderful job."

24 --o0o--

25 MR. KERNKAMP: Obviously we've always posted our

1 site rules at the gate. What we do now is, we also have
2 the site rules printed on the gate receipt tickets, so
3 people know the rules as they go in. In addition to that,
4 we also sent the site rules to all our commercial account
5 holders and asked them to send back an acknowledgment
6 receipt. So everybody knows what the rules are.

7 --o0o--

8 MR. KERNKAMP: As you see, this gentleman, he's
9 going up to the gate, he's being handed an orange vest.
10 All our customers that come through the gate now, whether
11 it's self-haul or otherwise are required to wear an orange
12 vest. It's a -- it's a low cost disposal vest. They get
13 to keep it if they want. They can give it back as well.

14 --o0o--

15 MR. KERNKAMP: Here's a picture of all our
16 customers wearing the orange vest. And our equipment
17 operators have limited visibility from the -- from the
18 cabin of their equipment, have gotten back to us, have
19 told us that they really -- it's really improved their
20 ability to see these people.

21 --o0o--

22 MR. KERNKAMP: One of the major changes is, we
23 implemented a traffic control program. These gentlemen
24 now -- what we did in the past, these gentlemen would be
25 just laborers. We had them in an orange vest, but they

1 really weren't distinguished from the rest of the landfill
2 staff. We took that program and separated it out, and we
3 now have --

4 --o0o--

5 MR. KERNKAMP: -- the traffic control program,
6 when you put them in specified uniforms -- it's something
7 that we stole from our Waste Exclusion Program that was
8 very effective. It immediately put -- gives them a sense
9 of authority. People respond to that better, and it's
10 really had a profound impact.

11 We developed a comprehensive program training
12 guide for these people so that they can go from site to
13 site, regardless of where they work. They have the same
14 training, and they have the ability now to recognize
15 potential safety hazards before they even -- before they
16 actually occur, and make those changes. And the staff is
17 cross-trained, so it's -- on days when you don't need as
18 much traffic direction as others, they are able to go to
19 e-waste recycling area and take apart TVs for our very
20 successful e-waste recycling program, and get our 48 cents
21 a pound that way.

22 --o0o--

23 MR. KERNKAMP: We also have the ability to enforce
24 our rules. We empowered our staff to write citations for
25 people that aren't obeying our site rules. And so it's

1 basically a three strikes law, depending on what the
2 violation is. If it's severe, of course, somebody brings
3 a weapon to the site, they would immediately be banned.
4 But if -- if there's three strikes, then they would be
5 banned for a certain amount of time and they can't come
6 back. We've had to do that already. If it's a commercial
7 hauler, a copy of that citation always goes -- also goes
8 to their supervisor.

9 --o0o--

10 MR. KERNKAMP: This is a staged photograph. This
11 is part of our emergency room stop system training
12 program, and we're very excited about this particular
13 feature.

14 --o0o--

15 MR. KERNKAMP: Basically what we knew we needed
16 was better communication. In the past, we had old walkie
17 talkie radios that were rattling around in the cab of the
18 equipment, couldn't get to people quickly enough,
19 especially in the case of an emergency.

20 So what we did is we completely revamped our radio
21 system, which provides us with clear communication, and it
22 definitely has had an impact on productivity. Obviously,
23 when people are communicating better, it's a more
24 efficient operation. And then the best feature about this
25 particular system is the emergency stop system. And it's

1 basically -- this little yellow device that's on our
2 traffic directors, it's also in the cabs of equipment, and
3 what it allows those staff to do, is press that button and
4 it sends off an alarm in the cab of all the equipment on
5 the site and immediately brings all the equipment to a
6 stop. The operators are required to stop the equipment.
7 And it's truly amazing. I know how it works. I have been
8 out at the site when it happened. It was very profound.
9 Everything came to a stop, including water trucks.

10 --o0o--

11 (Alarm sounds from PowerPoint presentation.)

12 MR. KERNKAMP: This is what it sounds like in the
13 cab of the equipment. So when there's a situation like
14 this, where somebody has let their children get out of
15 their car or out of their vehicle for example, that button
16 can be pressed right away. All equipment comes to a
17 complete stop until the situation is mitigated.

18 --o0o--

19 MR. KERNKAMP: Another safety -- result of our
20 safety efforts was the development of the waste recycling
21 department. We always run two separate paths. We try to
22 keep the self-haul away from the commercial -- from the
23 commercial. But what we're developing now is a complete
24 area that will provide us with increased recycling. It's
25 safer. The biggest -- we're really happy with the grant

1 funding that we've received from the Waste Board to be
2 able to get this done. We have over \$200,000 from the
3 Waste Board that has already been put towards this
4 project. And we're not just matching those funds. We're
5 putting more into it. We're very excited about it. It's
6 basically going to provide us the safety that we're
7 looking for, but it's definitely going to increase the
8 recycling efforts on the self-haul. It's a little bit
9 different approach than what you saw from what Orange
10 County is doing. We're hoping that we can handle the
11 recycling efforts at the landfill.

12 That's definitely going to improve the working
13 conditions for everyone at the site, and it's also going
14 to provide a permanent household hazardous waste facility
15 which this County desperately needs.

16 In addition, we won't be turning back -- turning
17 away our customers who bring incidental amounts of
18 household hazardous waste; we'll be able to accept them.
19 The point here, basically it's going to be a one-stop shop
20 for our self-haul customers.

21 We started construction on that in 2005.

22 --o0o--

23 MR. KERNKAMP: Here's a picture of the park under
24 construction.

25 --o0o--

1 MR. KERNKAMP: And we'll be able to do appliance
2 servicing, e-waste recycling, household hazardous waste
3 collection, as I mentioned. We're going to have a reuse
4 exchange store similar to what they do in Monterey, on a
5 somewhat smaller scale at first. Tire recycling, concrete
6 and demo recycle. It's going to be a public education
7 system. We'll be able bring kids there and teach them
8 about recycling.

9 --o0o--

10 MR. KERNKAMP: Obviously, to get this done, we're
11 going to be coming back to you for more grant funding, so
12 please check your mailboxes.

13 --o0o--

14 MR. KERNKAMP: We're very excited about gas to
15 energy. We have been producing electricity from landfill
16 gas since 2001, in the Badlands Landfill, and we sell that
17 power to a local city, City of Riverside, for \$54 a
18 megawatt.

19 --o0o--

20 MR. KERNKAMP: And under AB 939, we have about 40
21 programs in this county that help divert waste from the
22 landfill. Our diversion rate, 2004, as Supervisor
23 Tavaglione mentioned, is 54 percent. And we tracked the
24 biomass diversion credit for all jurisdictions in
25 Riverside County, including cities.

1 And we've developed a greenwaste report by working
2 with our local task force. And greenwaste processors,
3 greenwaste composters have provided input on this report
4 and basically developed a plan to increase recycling and
5 develop procurement policies within the County and also
6 develop markets. Definitely we've had -- market
7 development for greenwaste is a key issue to keep those
8 diversion numbers up.

9 --o0o--

10 MR. KERNKAMP: You have a copy of the recycling
11 guide in front of you. We're very proud of this -- this
12 document that we've prepared. It's published both in
13 English and in Spanish. And it provides information to
14 residents about household hazardous waste and where they
15 can take it. It also provides addresses of businesses
16 that -- that do a lot of recycling and provide recycling
17 services for businesses and has additional resources like
18 Web sites, who the haulers are, the disposal locations and
19 transfer stations and landfills, and it basically has an
20 A-to-Z list of all recyclables. So if somebody has a
21 certain product -- we get those questions all the time --
22 "Listen, I've got a whole load of drywall. What should I
23 do with it?" Well, the recycling guide is an easy
24 reference to be able to send those people to the right
25 place.

1 --o0o--

2 MR. KERNKAMP: Our very successful backyard
3 composting program has provided free workshops to the
4 public, for composting, since 1993, and we provide
5 low-cost compost bins for purchase, and we have sold 8200
6 so far; and we've held 367 events, and over 9200 people
7 have participated in these composts, and we have trained
8 169 volunteer master composters, who have in turn donated
9 about 50 to 800 hours of their time to teach people
10 composting.

11 --o0o--

12 MR. KERNKAMP: Our highly successful illegal
13 dumping cleanup program; it was developed basically in
14 2002 to address a gap in illegal dumping. Illegal dumping
15 is handled by several agencies within Riverside County so
16 depending on where the trash is dumped, different agencies
17 would step up to handle it. But one of -- one of the gaps
18 in the program was what we called the Brown Road program
19 which is basically a dedicated road, but hasn't been
20 accepted yet by the County. So the County doesn't
21 maintain that road; County Transportation doesn't maintain
22 that road.

23 So our -- our forces go out to these areas, and we
24 pick up the illegal dumping. We also provide support to
25 community cleanups in the area that are being done by

1 either -- community groups in the unincorporated area.

2 We've picked up 1600 tons in the last fiscal year,
3 which is not a huge number in the sense of tonnage coming
4 to a landfill, but it's a tremendous number when you
5 picture that on the side of the road.

6 --o0o--

7 MR. KERNKAMP: We certainly took over the
8 household hazardous waste collection program, which is
9 from environmental health. It has permanent ABOPs, two
10 permanent HHW collection facilities. We scheduled 61 days
11 for collections events. And again, with grant funding
12 recently for over \$300,000, we're going to be able to
13 relocate and expand three of the HHW collection centers to
14 also accept universal waste.

15 --o0o--

16 MR. KERNKAMP: And it's our goal, also in that
17 program, by the way, to convert those ABOPs to HHWs as
18 well, because we really believe that's what we need to do
19 in order to -- you can't just worry those four waste
20 streams; there's too much other waste out there that needs
21 to be recycled.

22 Future support, we're going to be coming to you in
23 the -- in the fairly near future with an EIR at both
24 Badlands and Lamb Canyon, where we're going to go for a
25 full -- very similar to what you saw at El Sobrante

1 yesterday. With the development and the growth in
2 Riverside County, we absolutely believe that we need to
3 get a full permitted boundary established. And I will be
4 worrying about that 10 to 20 years from now.

5 In the interim, we also will be coming to you on
6 both these sites to upgrade our permits for increased
7 tonnage. Supervisor Tavaglione mentioned, we have a
8 tremendous amount of growth. We are barely keeping up
9 with our tonnage, our permit limits right now. So our
10 goal is to come back to you as well.

11 --o0o--

12 MR. KERNKAMP: Our hazardous waste exclusion
13 program, Matt Hickman and my staff is going to talk a
14 little bit more about that particular program. We're very
15 proud of this program. It's been very, very successful.
16 But one of things that we recognize that we want the Board
17 to recognize as well, this is not a problem in just
18 Riverside County; we've heard those comments from other
19 people: "Well, this is a Riverside County problem." It's
20 absolutely not a Riverside County problem. Hazardous
21 waste is very prevalent anywhere. We're not talking about
22 the half can of paint that the rest of us throw in the
23 trash can. We're talking about significant quantities of
24 hazardous waste being brought into the landfill. And
25 that's a concern for us, because we take in a lot of

1 out-of-county waste as well. We have very little control
2 on the transfer stations outside our boundaries. There's
3 an ordinance in Riverside County that gives us that
4 support to a certain extent. But outside the County,
5 there's not a lot we can do. We basically have to rely on
6 a voluntary compliance from the transfer station operators
7 that sent us their waste, to be able to do it. We
8 absolutely have to have a transfer station. Once a
9 transfer load comes into the landfill and the load has
10 been commingled and hazardous waste is spread throughout,
11 and you don't have the ability to return that waste to the
12 customer and educate them, it makes it very difficult.
13 And Matt's going to talk a little bit more about that.
14 And we really believe that the regulatory agencies that
15 oversee this need to have the tools to be able to enforce
16 that or they need to be shown that they currently have the
17 tools. So that's really the message that he's going to
18 bring in his presentation.

19 --o0o--

20 MR. KERNKAMP: That's my comments. Again, I want
21 to thank you. I'm very excited that you are here, and I
22 appreciate you being here.

23 And I'm here to answer any questions if you have
24 any.

25 CHAIRPERSON BROWN: Hans, thank you very much. It

1 was a great presentation.

2 Does anybody have any questions?

3 BOARD MEMBER PETERSEN: I'm just very impressed
4 with all the things that you are doing. And I guess we're
5 going to talk about load check and all that from other
6 jurisdictions. And I would be very interested to hear
7 what you have to say.

8 CHAIRPERSON BROWN: Great. Okay. Thank you very,
9 very much.

10 And I think with your brief introduction, I would
11 like to welcome up Matt Hickman, who is your program
12 administrator. And he's going to give us another brief
13 presentation.

14 Welcome, Matt.

15 Thank you, Hans, very much.

16 (Thereupon an overhead presentation was
17 presented as follows.)

18 MR. HICKMAN: Board members, first of all, thank
19 you on behalf of Riverside County and our department for
20 letting me present this to you.

21 The issue I bring, and the problem I bring forward
22 today, sometimes seems insurmountable, but I don't think
23 it is. I think there's an answer behind it; I think it's
24 flexible for rural counties. I think those types of
25 things can be taken into consideration, and we can fix

1 this issue. In the essence of time, I'm going to try to
2 move through it fast, but anybody can stop me at any time,
3 if they would like to ask a question.

4 --o0o--

5 MR. HICKMAN: Riverside County is unique, and it
6 is very different from what load check programs seem to be
7 operating throughout the state. For some reason,
8 Riverside County would -- we felt the need to very much
9 increase the level of effort that we're putting in our
10 load check program. And this presentation is going to
11 show the history and why that's occurred.

12 --o0o--

13 MR. HICKMAN: Why in Riverside County did we feel
14 it necessary to take that landfill-type uniform and change
15 that?

16 (Music plays from PowerPoint presentation.)

17 (Laughter.)

18 --o0o--

19 MR. HICKMAN: We felt we needed this type of --
20 this type of image to the public who was not listening to
21 us. We needed to get -- take away that dump employee
22 image and let them know that we are enforcing something
23 that is very serious.

24 --o0o--

25 MR. HICKMAN: Why in Riverside County has

1 Riverside County Waste Management put forward over 500
2 commercial incidents to the local district attorney and
3 investigating task force for assistance in prosecuting
4 some of these repeat offenders in larger cases? That's
5 very unusual.

6 --o0o--

7 MR. HICKMAN: So the presentation is basically
8 broken up, with Riverside County's hazardous waste
9 problem. Why don't other counties have this problem? And
10 what needs to be done?

11 --o0o--

12 MR. HICKMAN: First of all, in Riverside County,
13 we feel it's very deliberately done. It's very difficult
14 for any landfill employee to tell that customer, "You
15 can't dump that; take it back with you." There's a lot of
16 aggression that can take place at that time. It's very
17 difficult. People get very angry when they've realized
18 they have to make another trip.

19 It's also a cat-and-mouse game, where people try
20 to hide their hazardous waste; you know, they try to
21 outwit our waste inspectors and get it hidden.

22 --o0o--

23 MR. HICKMAN: We've also had several incidences
24 [sic] where it's obvious there's devious intent to hide
25 hazardous material -- to put hazardous material wrapped in

1 carpet and other means of disguising it.

2 --o0o--

3 MR. HICKMAN: We know that it's purposely put on
4 the bottom of 40-yard roll-off bins in an effort to hide
5 it. The drums, the barrels, the hazardous waste goes on
6 the bottom. The solid waste goes on the top.

7 --o0o--

8 --o0o--

9 MR. HICKMAN: We've also had injuries -- we've
10 also had injuries from hazardous waste coming into our
11 facilities. The one laying on the stretcher is one of our
12 load checkers. The one sitting in the ambulance is a --
13 is a solid waste transporter/truck driver for a hauler.

14 --o0o--

15 MR. HICKMAN: It was a gas cloud that erupted at
16 one of our landfills when a dozer ran over it.

17 --o0o--

18 MR. HICKMAN: Riverside County is also unique in
19 that it keeps very good records of the types of incidents
20 we've had; keep track of the responsible party, the
21 business where it came from; the hauler who hauled it to
22 us, exactly what was in the waste load; whether that
23 company has ever done it in the past; and we keep good
24 records of images of what took place on that day, where
25 this one person backed up -- just dumped the hazardous

1 materials out of the truck.

2 --o0o--

3 MR. HICKMAN: It's important to notice that we
4 worked very hard to keep the household hazardous waste out
5 of the tracks, but we can't lose sight; we need to
6 continue to focus on what we designed in this country in
7 the '70s and '80s.

8 We need to look at the big stuff too.

9 --o0o--

10 MR. HICKMAN: Our inspectors are trained to try to
11 find evidence of food dumped hazardous material.
12 Sometimes it's very easy, find something that might be put
13 in the load.

14 --o0o--

15 MR. HICKMAN: We do focus on the homeowners. They
16 get angry, but that's pretty easy; we can deal with them;
17 we educate them on the site.

18 But as I'm going through this, I would like you to
19 pay attention to the yellow highlighting on the top of the
20 page, and to ask yourself, Could that only be in Riverside
21 County?

22 --o0o--

23 MR. HICKMAN: This high school collected all its
24 auto shop waste and then threw it away, put it in the
25 solid waste stream.

1 --o0o--

2 MR. HICKMAN: This handyman was cleaning out
3 somebody else's business.

4 --o0o--

5 MR. HICKMAN: Movie theater, that's who dumped the
6 flammable liquids out of the back of the box trailer,
7 there.

8 --o0o--

9 MR. HICKMAN: Drug lab -- or drug rehab center who
10 does a lot of home cleanups.

11 --o0o--

12 MR. HICKMAN: He threw that away one day.

13 --o0o--

14 MR. HICKMAN: That's an environmental science
15 college teacher at a local college and teaches what
16 shouldn't go in the landfill.

17 --o0o--

18 MR. HICKMAN: He put in that handsome array from
19 his other -- because he didn't want to make two trips.
20 That's why we feel anybody will do this, and they are
21 doing it anywhere.

22 --o0o--

23 MR. HICKMAN: That's a hotel where they stored
24 that pesticide in the basement since the early '70s until
25 they decided to hide it on the bottom of a roll-up truck.

1 --o0o--

2 MR. HICKMAN: That's 55 gallons of acid that was
3 in that load with it. The pH is zero.

4 --o0o--

5 MR. HICKMAN: Nationwide sports companies who sent
6 out a message to stop distributing or stop selling
7 flammable product and to take it off the shelves. Most
8 distributors put it in the trash.

9 --o0o--

10 MR. HICKMAN: Nationwide home improvement
11 companies. You might recognize some of them. This is
12 when we start to realize this couldn't be a Riverside
13 County problem. These companies will start -- they didn't
14 have programs.

15 --o0o--

16 MR. HICKMAN: Other nationwide home improvement
17 companies.

18 --o0o--

19 MR. HICKMAN: Worldwide department stores. We're
20 telling our residents that they shouldn't throw this stuff
21 in the trash. These large worldwide companies should be
22 following the same rules.

23 --o0o--

24 --o0o--

25 MR. HICKMAN: A nationwide department store.

1 --o0o--

2 MR. HICKMAN: We had worked with this particular
3 department store for some time, trying to get them to stop
4 putting hazardous material in their waste bin. They
5 didn't listen to us -- (sound effects from PowerPoint
6 presentation) -- until their bin caught on fire behind
7 their store.

8 --o0o--

9 MR. HICKMAN: When the firemen got sick, the
10 hazardous material people had to come in and finish
11 putting out the fire. But it was our records that showed
12 we had contacted that company several times to try to get
13 them to stop doing just that.

14 --o0o--

15 MR. HICKMAN: Methamphetamine producers. Usually
16 don't handle their waste stream properly and it's in the
17 trash. And I would say that methamphetamine producers in
18 Riverside County have the same morals for waste management
19 as those at other counties.

20 --o0o--

21 MR. HICKMAN: We treat those like crime scenes.
22 We call the Special Investigations Bureau. They came out.
23 We've been credited for busting up a couple large labs in
24 Riverside County and putting a stop to it.

25 --o0o--

1 MR. HICKMAN: This material came from a farmer.

2 It's very, very dangerous explosive devices.

3 --o0o--

4 MR. HICKMAN: We have a lot of soldier of
5 fortune-type incidents or old military veterans that throw
6 away ordnance. We have a very good relationship with our
7 bomb squad. They provide free training for us.

8 --o0o--

9 MR. HICKMAN: That's a toxic smoke grenade that
10 came into one of our landfills.

11 --o0o--

12 MR. HICKMAN: This is a -- came from a movie
13 producer, and it's pyrophoric liquid. It reacts with
14 oxygen and ignites when it hits the air. And those are --
15 running over that, at the landfill, is a very serious
16 situation.

17 --o0o--

18 MR. HICKMAN: I know this is causing a lot of
19 commotion across the state, the medical waste situation
20 that we have down here.

21 --o0o--

22 MR. HICKMAN: In the beginning, the medical waste
23 problems were horrendous. The loads that were coming in
24 here were disguised in black bags. There was a tremendous
25 quantity. What was inside of those bags was completely

1 untreated.

2 --o0o--

3 MR. HICKMAN: We can all look away if we need to.

4 It was untreated and some of these were an administrative
5 decision not to treat and send it into the landfills.

6 --o0o--

7 MR. HICKMAN: The issues with just about every
8 large quantity medical waste producer has been coupled
9 with very large loads where the material wasn't treated,
10 whether it was in red bags or black bags. They were
11 coming in here and weren't being treated.

12 --o0o--

13 --o0o--

14 --o0o--

15 MR. HICKMAN: With -- I will move through those
16 quick.

17 But like I said, it was every large quantity
18 generator in Riverside County, and we had a problem that
19 needed to be straightened out. It's not done yet. Most of
20 those hospitals are on board, and we've really invoked
21 change that's very positive, to clean up that waste
22 stream. It's not done; it's not over; this was last week,
23 all in black bags from a large quantity producer where it
24 came in and what was in those bags absolutely required
25 treatment. But we are making tremendous headway.

1 --o0o--

2 MR. HICKMAN: There is an exposure issue for our
3 employees. They have to clean out the tracks of the dozer
4 about three times a day. There's -- hospital workers need
5 to know that there's an end exposure issue at the
6 landfill.

7 --o0o--

8 MR. HICKMAN: Transfer stations in Riverside
9 County, we have it kind of figured out on our own.

10 --o0o--

11 MR. HICKMAN: When we look at transfer stations,
12 we have to consider the out-of-county waste that we are
13 importing. Rural counties, now being the recipients of
14 that quantity of waste, need to also invoke these programs
15 and be able to feel comfortable and to have their
16 residents feel comfortable that they are not importing
17 something that's going to be harmful or expensive in the
18 future years.

19 --o0o--

20 MR. HICKMAN: It's impossible to inspect those
21 transfer trucks when they arrive at the landfill. At this
22 point, the businesses are all mixed together, the waste is
23 mixed together. It's very difficult to decide where it
24 came from and then to be able to do any back work and
25 follow-up to correct that business from doing it again.

1 That's why it has to have other transfer stations.

2 Our load check staff was asked to go to the
3 transfer stations and perform load checking. Our ordinance
4 allows us and gives us the authority to perform load
5 checks at those privately operated transfer stations.

6 --o0o--

7 MR. HICKMAN: Going to start moving through this
8 quickly. Basically, when my -- when we went there to
9 investigate their load check programs, we found minimal to
10 no load check activities, untrained employees, improperly
11 stored hazardous waste, and little to no enforcement of
12 prohibited waste. But they all have numerous waste
13 inspections showing none found.

14 --o0o--

15 MR. HICKMAN: Same transfer station with my staff,
16 three days of inspection, four hours each day. We've only
17 inspected 23 waste loads, 13 contained hazardous waste.
18 Four waste loads needed to be turned over to environmental
19 crimes to determine quantities or sources.

20 --o0o--

21 MR. HICKMAN: One was a department store.

22 --o0o--

23 MR. HICKMAN: Automotive painting facility that
24 had been throwing all its flammable automotive paints and
25 waste paints into the trash.

1 --o0o--

2 MR. HICKMAN: Cosmetic laboratory, we just asked
3 them to take the material back. They sent it back the
4 next day because they didn't think we would still be
5 there, and that's why we feel some of these things need to
6 be turned over for enforcement.

7 --o0o--

8 MR. HICKMAN: One week later that transfer station
9 agreed to get on board and try to correct this problem.

10 --o0o--

11 MR. HICKMAN: Within one week, they called us with
12 the largest load we had seen so far.

13 --o0o--

14 MR. HICKMAN: It came from a hazardous waste
15 contractor, licensed hazardous material transporter who
16 was getting money to collect the stuff from businesses and
17 then putting it through the solid waste stream.

18 --o0o--

19 --o0o--

20 MR. HICKMAN: Had we not stopped that load, it was
21 destined to be placed right on the very first layer of the
22 land system. We had to spend \$10 million on it and risked
23 a lot of lives and safety trying to get that system in to
24 protect the groundwater.

25 --o0o--

1 MR. HICKMAN: Okay. Another transfer station --
2 basically the same thing. We were finding this at our
3 transfer station, that there wasn't a lot of focused
4 effort to keep hazardous material out.

5 --o0o--

6 --o0o--

7 MR. HICKMAN: We found several businesses that
8 day: Hardware store.

9 --o0o--

10 MR. HICKMAN: Dollar Stores, they are everywhere.
11 Over 1100 aerosol canisters from a hardware store.

12 --o0o--

13 MR. HICKMAN: Organic peroxide being dumped on the
14 waste from a trailer manufacturer.

15 --o0o--

16 MR. HICKMAN: That's the flash that went off from
17 that same material at one of our landfills.

18 --o0o--

19 MR. HICKMAN: Acid from a manufacturing company.

20 --o0o--

21 MR. HICKMAN: Asbestos from a government-funded
22 school project where they were removing asbestos.

23 --o0o--

24 MR. HICKMAN: More drug lab waste.

25 --o0o--

1 MR. HICKMAN: Home cleanup companies.

2 --o0o--

3 MR. HICKMAN: That is Union Pacific.

4 --o0o--

5 MR. HICKMAN: Union Pacific dropped a tremendous
6 amount of extremely flammable material.

7 They -- this stuff burns at about 1300 degrees.
8 It melts two railroad tracks together. But it takes a
9 railroad flare -- or it takes a road flare to set it off.
10 They threw that away in the load, with it.

11 --o0o--

12 MR. HICKMAN: Several tons -- several hundred
13 pounds of this material.

14 --o0o--

15 MR. HICKMAN: Construction companies.

16 --o0o--

17 MR. HICKMAN: And Wyle Laboratories, one of the
18 largest laboratories in the United States, eight barrels,
19 4 pH; net zero 4 pH at 14.

20 --o0o--

21 MR. HICKMAN: Construction companies.

22 --o0o--

23 MR. HICKMAN: Paint contractors.

24 --o0o--

25 MR. HICKMAN: Chemical supplies.

1 --o0o--

2 MR. HICKMAN: Flooring companies.

3 --o0o--

4 MR. HICKMAN: Horse ranches.

5 --o0o--

6 MR. HICKMAN: Trailer parks.

7 --o0o--

8 MR. HICKMAN: Pool supplies.

9 --o0o--

10 MR. HICKMAN: General contractors.

11 --o0o--

12 MR. HICKMAN: Worldwide paint and powder coating
13 companies.

14 --o0o--

15 MR. HICKMAN: So when we looked about why don't
16 other counties have this problem -- I know this is causing
17 commotion. We have to start realizing that these are --
18 these companies are located everywhere. And we can start
19 focusing on what needs to be done.

20 --o0o--

21 MR. HICKMAN: What must be done?

22 Enforcement agencies must be provided new tools to
23 enforce effective load check programs, not that they just
24 have a program, but they have a program that's effective
25 or enforcement agencies must be provided new direction to

1 use present tools more effectively.

2 --o0o--

3 MR. HICKMAN: State minimum standards, somewhat
4 vague -- vague and confusing.

5 --o0o--

6 MR. HICKMAN: But when we look at this, the first
7 thing is to prevent the acceptance of hazardous waste.

8 --o0o--

9 MR. HICKMAN: A typical account like this can give
10 you two truckloads a week.

11 --o0o--

12 MR. HICKMAN: And we know that those accounts
13 bringing two truckloads a week, if they're managing their
14 waste -- their hazardous waste through the solid waste
15 system, it's going in there every week.

16 --o0o--

17 MR. HICKMAN: Present standards and the random
18 load check program might grab two of those trucks.

19 --o0o--

20 MR. HICKMAN: This is what we're finding to be
21 industry standard out there -- industry standard operating
22 procedures: the load selected for a load check; hazardous
23 waste found; hazardous waste stored on on-site -- in the
24 on-site storage bin; hazardous waste properly disposed of
25 by the disposal company.

1 --o0o--

2 MR. HICKMAN: No contact made to that company to
3 let them know that they've done something wrong; the
4 hazardous waste is accepted by the solid waste facility
5 even though they manage it right out of the two loads.

6 --o0o--

7 MR. HICKMAN: The responsible party continues to
8 throw hazardous waste into that load every two weeks,
9 because they were never told otherwise.

10 --o0o--

11 MR. HICKMAN: So when we look at it, they
12 prevented the acceptance at least as far as the proper
13 disposal out of two loads, but they accepted that waste.

14 But there was waste in every load. So the end
15 result is that waste is accepted in every load. And the
16 original goal was to prevent the acceptance of hazardous
17 waste.

18 --o0o--

19 MR. HICKMAN: Okay. What laws apply?
20 When we look at Title 14, what can be used?

21 Accepting hazardous waste at a facility not
22 authorized to accept it, that law's being broken;

23 In violation of Hazardous Waste Release/Spill
24 Reporting requirements. That law's being broken.

25 Causing the disposal of any hazardous waste at a

1 facility not authorized to accept it, when that waste is
2 then sent to our facilities, that law is being broken.

3 --o0o--

4 MR. HICKMAN: The number of inspectors who decides
5 random inspections alone don't work. That's the issue.
6 They just don't work.

7 --o0o--

8 MR. HICKMAN: Don't waste time walking around a
9 load. No signs of hazardous waste, move on to the next
10 load.

11 --o0o--

12 MR. HICKMAN: Target loads. Get in a safe vantage
13 point; see hazardous waste; ask the equipment to stop; and
14 inspect that load.

15 Riverside County inspects less than 1 percent of
16 its incoming loads to find this much hazardous waste. No
17 one has ever said in Riverside County, "Inspect every
18 load." We know that's not feasible, it's not possible,
19 and it's very much not necessary.

20 --o0o--

21 MR. HICKMAN: Most loads requiring inspection are
22 very easy to spot from a distance.

23 --o0o--

24 MR. HICKMAN: This one deserved an inspection when
25 it rolled into our facility and ended up with 60 drums of

1 flammable compressed gas cylinders.

2 --o0o--

3 MR. HICKMAN: A location for the storage, that's
4 also an issue.

5 --o0o--

6 MR. HICKMAN: We feel, in most places, it's not
7 adequate. They would be getting loads like this if they
8 would have an active load check program. We have to hold
9 that as evidence so there can be contact and the
10 responsible party could be held responsible for that
11 waste.

12 --o0o--

13 MR. HICKMAN: So are they equipped to store all
14 these cases?

15 --o0o--

16 MR. HICKMAN: What we find is all the manifests
17 just show latex paint -- they show latex paint or oil.
18 But there's a lot of classes coming. They need to be
19 equipped to handle that.

20 --o0o--

21 MR. HICKMAN: What laws apply?

22 If they are improperly storing, all these laws
23 apply.

24 --o0o--

25 MR. HICKMAN: The minimum standards also state

1 training. We feel that's a huge issue.

2 Personnel need to be trained in the proper
3 handling in the disposition of that waste and also
4 recognition. I missed that.

5 --o0o--

6 MR. HICKMAN: But the disposition of that waste:
7 Who owns it? Where does it belong? Who is responsible
8 for that waste?

9 The trained load checkers will find hazardous
10 waste. That's very true. If we train them, they are
11 going to find it.

12 We did receive a grant, and we trained our waste
13 inspectors. Received a grant from the Integrated Waste
14 Management Board and started this program.

15 But a laborer cannot approach that load safely,
16 and he cannot make a determination whether that's
17 acceptable solid waste or hazardous waste.

18 We feel formal training is needed. They need
19 safety tips -- safety meetings are not enough, but yet
20 it's being allowed.

21 All facility staff meets hazardous waste
22 recognition, so those are operating, knows he needs to
23 stop if he sees that waste in a load. They need to be
24 encouraged to stop.

25 Load checkers need detailed hazardous waste

1 training, health and safety training. Those employees are
2 expected to handle this material.

3 And they need to store and compact it if they are
4 running their program properly.

5 --o0o--

6 MR. HICKMAN: What's missing in Title 14?

7 --o0o--

8 MR. HICKMAN: The requirement for an adequate
9 number of inspections and requirements. Act when
10 hazardous waste is spotted. Requirements to report legal
11 disposal to the EA or CUPA. That's missing, because it
12 was buried in 27 and doesn't apply to the transfer
13 stations.

14 --o0o--

15 MR. HICKMAN: So this does not apply to transfer
16 stations. However, this law does apply: Health and
17 Safety Code requires any employee of any hazardous
18 material handler to report.

19 --o0o--

20 MR. HICKMAN: Facility inspections, when they are
21 being performed, we can't believe the drivers inspect
22 these loads before we pick them up. That's a statement;
23 that's a red flag.

24 --o0o--

25 MR. HICKMAN: The drivers admit to us, it's

1 impossible to inspect the waste when it's in the bin. The
2 hazardous waste is hidden on the bottom, just like the
3 yogurt. The fruit's on the bottom. And it's done
4 purposely.

5 --o0o--

6 MR. HICKMAN: Facility inspections, we need to
7 stop believing we would never have hazardous waste
8 incidents here at the Riverside County problem. The
9 offenders are too numerous. The people who are throwing
10 waste away, the companies, they're too numerous and the
11 variety is too large.

12 --o0o--

13 MR. HICKMAN: These waste inspection programs,
14 they work, and they are not that difficult.

15 With several private entities, private transfer
16 stations, and Riverside County have volunteered to
17 increase their load checking programs and have been
18 extremely successful at it. We understand that in the
19 rural areas, some of that ability is not there. But we
20 can't look at large counties and expect them to act like a
21 rural county. There's tremendous commercial material
22 coming through these transfer stations and being brought
23 to our counties.

24 These programs work. That's the effectiveness of
25 our program. We have a very good computer program that

1 tracks that.

2 --o0o--

3 MR. HICKMAN: What laws apply also?

4 California Business and Professional Code.

5 Landfills and transfer stations that obey these
6 laws have a very disadvantage [sic] over ones that are
7 granting them and not obeying these laws. It's very --
8 it's much more inexpensive to operate a facility when you
9 don't focus on these laws.

10 --o0o--

11 MR. HICKMAN: From Riverside County Waste
12 Management, I think we have a very effective program
13 going. I want to thank you for letting us share this with
14 you.

15 (Applause.)

16 CHAIRPERSON BROWN: Thank you, Matt. That was
17 very informative. Appreciate that.

18 Does anybody have any questions for Matt?

19 --o0o--

20 (Music plays from PowerPoint presentation.)

21 CHAIRPERSON BROWN: Is that for me?

22 BOARD MEMBER DANZINGER: I would like to get a
23 copy of that, if you have a printout of that PowerPoint, I
24 think that would be --

25 CHAIRPERSON BROWN: If you could send that up,

1 that would be great. I think we're all a little
2 overwhelmed with all of the information, or at least I am.

3 It would be very helpful to get a copy of the
4 presentation, yours as well as Hans. If we could get
5 yours as well.

6 MR. HICKMAN: We could certainly do that.

7 CHAIRPERSON BROWN: Thank you. I appreciate that.

8 Okay. Mark, Executive Director's Report. Are you
9 ready? We would like a PowerPoint; we would like
10 officers; we'd like sound effects. It's a hard act to
11 follow here in Riverside.

12 BOARD MEMBER DANZINGER: And we like obscenities,
13 Mark.

14 CHAIRPERSON BROWN: I think we need microphones at
15 this counter over here, man behind the window.

16 EXECUTIVE DIRECTOR LEARY: There we go. Got to
17 get all the staff badges.

18 Thank you. Good morning, Madam Chair and members.

19 Let me just very briefly add on, on behalf of the
20 450 staff of the Integrated Waste Management Board and
21 express our appreciation to the huge impact Board Member
22 Wiggins has had on our organization in her short stay
23 here. Congratulations, first of all, to your election.
24 Very briefly, we appreciate your sense of humor. We
25 appreciated your direct approach to the essence of issues

1 despite our best efforts to obfuscate the issues.

2 (Laughter.)

3 EXECUTIVE DIRECTOR LEARY: And lastly, we can --
4 your appreciation of staff, we modestly accept your
5 effusive praises. Amazing. I'm not sure we're worthy,
6 but thank you so much for it. All 450 of us feel very
7 supported by your presence here. And thank you for that.

8 BOARD MEMBER WIGGINS: Thank you.

9 EXECUTIVE DIRECTOR LEARY: Back to the more
10 mundane, Madam Chair, a couple of quick things: As you
11 know, but I want to make all the Board aware of, are the
12 Golden Guardian Emergency Preparedness Exercise whereby
13 the State tests its own emergency preparedness to major
14 disasters is being tested today; it's being exercised in
15 our state. And we, the Board, are responding and have a
16 presence both at the statewide emergency operations center
17 as well CalEPA's emergency operations center. I have
18 designated Mitch Delmage to act in my stead in Sacramento,
19 since we're all down here. And Mitch is very familiar
20 with our emergency preparedness procedures. In fact, he
21 was very involved in their construction several years ago.
22 So we're in good hands. And Mitch will be in touch with
23 us to seek our direction if he needs to. But we're
24 engaged, and I wanted to ensure you that we are on top of
25 this, although it is just an exercise.

1 You received from me last week a copy of our
2 expenditure report. I want to quickly highlight some of
3 the details: Personal services expenses and salaries and
4 wages were on track in all of our accounts; E-waste
5 personal expenses are a little bit below projections
6 because we're still actively recruiting for the positions
7 approved from the governor's budget; operating expenses
8 for the fiscal year to date are down, but it's pretty
9 typical. We ramp up more in the second quarter and have a
10 flurry of activity in all our operations through the end
11 of the year; travel is down a little bit because of summer
12 vacations, but that's going to kick into gear here, and I
13 want to make sure that we continue to have the field
14 presence that you desire we have and continue to provide
15 assistance to our local stakeholders that I know you value
16 so much. And I will be coming back to you in February
17 with a second quarter update, once that's closed -- the
18 books on the second quarter.

19 As is my -- another item out of Orange County,
20 it's my obligation to report to you, as you know, whenever
21 the regulations involving temporary waivers is exercised.
22 That has occurred in Orange County in relation to the
23 Taormina Industries Facility. Once the agreement is
24 issued, I am notified by the -- and I am required to
25 review all of the enforcement agencies' approvals and

1 report to you, as I am today, at the next meeting.

2 Taormina Industries experienced an unforeseen manpower
3 shortage and a large volume of municipal solid waste
4 accumulated in the service area between October 23rd and
5 November 2nd of this year.

6 While Taormina has implemented a backup plan, it
7 was unable to keep up with the service demands. A large
8 volume of accumulated waste has the potential to pose a
9 threat to health and safety. So on November 2nd, Taormina
10 submitted a request to the -- of four temporary stipulated
11 agreements to the Orange County Healthcare Agency,
12 Environmental Health Solid Waste LEA. The request was for
13 a temporary 20 percent in the permitted maximum daily
14 tonnage, which would allow for a change in the rate of the
15 daily waste received from 6,000 to 7,200 tons per day.

16 On November 3rd the LEA and Taormina Industries
17 entered into this stipulated agreement for the temporary
18 waiver and did, in effect, affect a change of maximum
19 daily tonnage from 6,000 to 7,200 tons per day for the
20 period of six calendar days, from November 3rd to November
21 8th.

22 We received a stipulated agreement on Monday,
23 November 6th. It was posted on our Web site on
24 November 8th. The stipulated agreement terminated at the
25 end of the business day on November 8th. The information

1 obtained from the LEA indicates that the permitted daily
2 tonnage was actually exceeded on one of the six days of
3 operation.

4 I'm still reviewing that temporary waiver.
5 There's not an opportunity obviously, when the time passed
6 to condition that waiver any further. So it's -- it's up
7 to me in the course of consultation with the staff to
8 decide whether that waiver was appropriate. I'm still
9 conducting that analysis and look forward to gathering
10 more information and work with the Orange County LEA to
11 decide exactly the extent of the appropriateness of that
12 waiver.

13 I will report back to you next month ultimately
14 with what we decide to do in regards to that.

15 And finally, my last item I want to -- I wanted to
16 introduce Trevor O'Shaughnessy to do a quick introduction
17 update on our state contract and procurement registration
18 system that we're working very closely with the Department
19 of General Services on.

20 (Thereupon an overhead presentation was
21 presented as follows.)

22 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

23 O'SHAUGHNESSY: Thank you, Mark.

24 Good morning, Madam Chair, and members of the
25 Board. My name is Trevor O'Shaughnessy from the State

1 Organization and Facilities Assistance Section.

2 And I'm here to briefly present a PowerPoint
3 presentation, per your request, for the Executive
4 Director's Report about the Department of General Services
5 and the Board's cooperative effort to integrate a state
6 contract procurement reporting system with the state
7 agency biorecycle campaign. The efforts that we have
8 undergone have been very successful and have implemented a
9 program that integrates SCPRS system which is a mandated
10 program that all state agencies use if they purchase a
11 contract purchase, which basically is any purchase any
12 time that California spends money, it's basically a
13 contractual agreement, of \$5,000 or greater there to use
14 this system.

15 --o0o--

16 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

17 O'SHAUGHNESSY: By using this system, we've
18 allowed, and built into it now, a method of reporting
19 their SABRC purchases.

20 --o0o--

21 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

22 O'SHAUGHNESSY: Now, when you're going in and
23 doing this implementation, it's providing an opportunity
24 to, not only for state agencies to do continuous
25 reporting, but it's all Web-based, so it allows the

1 Integrated Waste Management Board to see up-to-date,
2 current activities. And I will be presenting some of that
3 information today. But it will also allow one-stop
4 shopping, if you will, or stopping, for state agencies to
5 see what their status is.

6 So rather than waiting till the end of the year,
7 they will be able to identify and see their statewide
8 purchasing.

9 --o0o--

10 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

11 O'SHAUGHNESSY: And it's all done through SCPRS
12 system. This is a screen shot SCPRS system. And within
13 the area, the yellow box was the initial area where we
14 start collecting the information. It's a yes/no field
15 where state agencies are allowed to select whether or not
16 their purchase is one of the mandated eleven reportable
17 categories. If it is, they check, "yes"; if it's not,
18 they check "no." If they check "yes," the system takes
19 them over to this new screen.

20 --o0o--

21 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

22 O'SHAUGHNESSY: The top portion of the screen,
23 where it talks about the agency, the department contract
24 number, all of that is pre-filled in. So the agency now
25 has reduced their labor by having that information

1 automatically transferred and put into this record.

2 From that, there's a comments field where they can
3 make notes to themselves, so if they made a purchase that
4 wasn't SABRC compliant, they now have a notes field, and
5 then under that are the eleven categories. I've only
6 presented three here, but all eleven categories are there.

7 Within those columns, the two far to the right are
8 whether or not they've collected their certification.
9 It's a voluntary field that they can check off that they
10 have their mandated certification.

11 And then the last field is the post consumer
12 recycled content. Within this column, the state agency
13 can now not only denote whether it's the minimum content
14 for the specific category, but if they are above that
15 percentage, then it will now allow Board staff, as well as
16 the State of California, to potentially increase the total
17 percent of post consumer content in these categories and
18 further push the markets to go to a higher level.

19 --o0o--

20 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

21 O'SHAUGHNESSY: This is one of the reports that is
22 currently available to staff online. And as you can see,
23 we are already successfully pushing forward.

24 Within the timeframe of this presentation and
25 today, we have increased our total entered records from

1 the 1744 to now 1811. So we have a real-time increase.

2 And we've gone from the ten and a half million to almost

3 \$12 million of reported purchases of SABRC. So it's

4 continuously growing, continuously going on.

5 There's three areas that I would like to

6 specifically highlight:

7 The first, the compost/co-compost and mulch. It's

8 zero. Why is that? We're working with Caltrans, the

9 primary user and purchaser of this product to get them to

10 recognize that. And they know they are falling down on

11 that and they are building into their system the

12 integration of those reportings.

13 The other one I'd like to highlight is

14 tire-derived. Where is RAC? Again, Caltrans. We're not

15 here to pick on Caltrans. It's a new system. They are

16 learning. They are integrating it, and they are wanting

17 to get there.

18 The last one is tires. You will notice that the

19 tires in there is only at \$80,000. The State of

20 California spends approximately \$30 million on tires.

21 We're working with Caltrans and CHP; those two primary

22 entities were under the understanding that they were only

23 to report SABRC tires, basically retread tires. We've

24 informed them, no, it's all tire purchases that are to be

25 reported under this program. They are now integrating

1 that, and we're already seeing a significant increase in
2 tire purchases to date.

3 --o0o--

4 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

5 O'SHAUGHNESSY: With that, this concludes this
6 brief overview and presentation. Staff's available to
7 address any of your questions now or, as always, back at
8 the headquarters office.

9 Thank you for the opportunity to present this
10 program.

11 CHAIRPERSON BROWN: Great. Thank you, Trevor.

12 Anybody have any questions?

13 We're making progress, and we're not beating
14 Caltrans over the head. But we might soon.

15 Okay. Next on our agenda is the public comment
16 period. And we have one person who has requested to
17 address the Board during public comment, and that is Patti
18 Henshaw from Orange County.

19 MS. HENSHAW: Thank you. The reason I wanted to
20 address the Board today is because we may not have an
21 opportunity to come up to Sacramento next month when
22 there's more a report out on the waiver that we needed to
23 issue.

24 And I just wanted to bring the Board's attention
25 to the temporary waiver regulations are coming up for

1 comment period, and we want to work closely with the Board
2 staff to how to address those regulations so that the LEA
3 can address public health concerns.

4 Regardless of whatever causes a problem, which is
5 really not our concern, is the potential or actual public
6 health concerns. And there's some language in the
7 regulations as they exist now that kind of question that.
8 And we just don't want to have any doubt of how LEA goes
9 about addressing that, evaluating it, and then determining
10 when there's a need for a waiver to address the community
11 and to help the community prevent, you know, a health
12 issue.

13 And so the good news is, we've all experienced
14 recently some manpower shortages or strikes. In
15 Sacramento you experienced it. In Orange County, we
16 experienced it in '01 and '06. That issue is not
17 something we should be concerned about; it's really the
18 health issues. And so we need to really look at these
19 regs. And so now we have some real life examples how
20 these regs work or don't work. And now it's a good
21 opportunity for all of us to really look at them and see,
22 okay, How do we address the community and assist the
23 community when there may be a health problem?

24 So I just wanted to bring that to your attention
25 and to kind of let you know that the regs are coming out

1 and will be back before the Board, when we come in front
2 you of for the comment period, but we just want to focus
3 that attention on those.

4 CHAIRPERSON BROWN: Great. I appreciate it,
5 Patti.

6 Does anybody have any questions?

7 BOARD MEMBER MULÉ: Patti, do you plan on
8 submitting written comments to the Board with specific
9 language recommendations pertaining to this public health
10 concern?

11 MS. HENSHAW: Yeah, and working with your staff.

12 We need to look at how we meet all the needs and
13 probably talking to some of the other LEAs that have
14 experienced this activity and say, "How can we address it
15 and make these regs work with that benefit?" So
16 definitely.

17 BOARD MEMBER MULÉ: Okay. Good. Thank you.

18 MS. HENSHAW: Thank you.

19 CHAIRPERSON BROWN: Thank you.

20 Any other questions?

21 Thank you, Patti. I appreciate it.

22 We do have one other person who would like to
23 address the Board, and that is Chuck Tobin, Burrtec Waste.
24 Welcome.

25 MR. TOBIN: Good morning. I'm Chuck Tobin with

1 Burrtec Waste.

2 Last week it was my privilege to be the co-chair
3 with Hans Kernkamp for the Southern California Waste
4 Management Forum. It was held at the DoubleTree in the
5 city of Ontario. And from all reports, apparently, it was
6 very well received on the part -- it was very well
7 attended. A lot of participation by the local recycling
8 coordinators and the like. We want to thank the Board
9 members who participated in the forum. We also want to
10 thank you John Myers, Yating Campbell for assisting us,
11 who are here to report that we believe most likely the
12 forum -- a conference will be held next year at the same
13 venue, and we would like to sit down with Board staff and
14 kind of start a planning process as early a date as we
15 can.

16 It seems that the topic that was of most interest
17 was this curious question of, How do we go beyond
18 50 percent? And especially with respect to some of the
19 more traditional recycling programs. And so what I'm here
20 to suggest, as a way to kind of lead into the conference
21 next year, is that one thing that the Board has been very
22 good at doing is being able to collect and assimilate
23 activities that are going on at a statewide level, that
24 get an overview. And the conversion technology was
25 probably a good example of that, where you were able to

1 look out in a broad way, bring a lot of information to
2 bear, which now at the local level is being carried
3 forward in the form of two programs with respect to the
4 County of Los Angeles, City of Los Angeles. So it's a
5 good example of that.

6 But some of the topics that seem to have come
7 up -- that you might want to do a similar kind of
8 reconnaissance with respect to multifamily recycling is
9 one. People are curious as to what's going on, how people
10 are faring in each one of the jurisdictions, those that
11 have tried to -- to tackle these programs. They present
12 their own set of problems and to the extent to which you
13 can assist us in terms of better understanding how each
14 individual or respective jurisdictions approach that would
15 be very helpful.

16 Next is food waste, both at the residential and
17 the commercial level. Again, you get these programs in
18 there. They are not yet statewide, but they are -- what
19 you are learning from those programs for the jurisdictions
20 when you tackle them are very important to jurisdictions
21 who would like to be able to adopt those programs.

22 Third one would be a self-haul recycling, in two
23 contexts. First is the more of transfer context; the
24 second is the landfill. With Mr. Kernkamp today, I think
25 you saw that landfill operators are beginning to engage in

1 on-site recycling programs that are expanding in scope.
2 And self-haul is one of those last domains, and it --
3 because again, it poses the same kind of problems that
4 Mr. Hickman pointed out with respect to, you find things
5 in there that you may be not want to find. On the other
6 hand, there are many, many, many recoverable items. So
7 it's the extent to which the State Board would be able to
8 survey landfill operators or transfer station operators
9 and see what they are doing with respect to that topic.

10 The final one is just simply the mechanics of MRF
11 processing. And by that -- what I mean is that you have
12 vendors that are successful right now in terms of being
13 able to put forward systems for single stream processing
14 and becoming increasingly more mechanical, more -- less
15 labor intensive, more capital intensive. A commercial
16 processing is one where you have certain vendors who are
17 trying to develop systems that are more responsive to
18 commercial processing.

19 From our point of view, that's, again, another one
20 of those frontiers that needs to be -- but you need a
21 processing system to assist there. So to the extent to
22 which there are both current technology and proposed
23 technologies, if we can get some feel as to what's going
24 on there.

25 I've taken up a lot of time.

1 Again, thank you very much for your participation.

2 We look forward to working with you again at the next
3 conference, and hopefully it will be bigger and better.

4 So thank you very much.

5 CHAIRPERSON BROWN: Chuck, thank you very much. I
6 appreciate your comments. It was a great forum. It was
7 very informative for me as a Board member, and very, very
8 useful.

9 And I appreciate your input on this. I know we
10 are working on the multifamily dwelling. Staff has
11 already started with some workshops to gather some of the
12 information.

13 BOARD MEMBER PETERSEN: Madam Chair, that list
14 that you just -- could you send that to the Board, please?

15 MR. TOBIN: I will.

16 BOARD MEMBER PETERSEN: Thank you.

17 CHAIRPERSON BROWN: Great. Thank you.

18 Now, I would --

19 Yes, sir.

20 UNIDENTIFIED MALE: If I could appear too.

21 CHAIRPERSON BROWN: Your -- did you fill out a
22 speaker form on an item?

23 UNIDENTIFIED MALE: Yes.

24 CHAIRPERSON BROWN: We're going to take it during
25 the presentation of that item.

1 We are going to move to the consent agenda first.

2 At this time, at the commencement of this meeting,
3 Items 3, 4 revised -- Item 3 revised, 4 revised, 7, 8, 9
4 revised, 10, 13, 14, and 15 revised were proposed for the
5 consent agenda from our committee meetings held last week
6 in Sacramento.

7 Are there any Board members who would like to pull
8 any items from the consent agenda for consideration?

9 BOARD MEMBER MULÉ: Madam Chair, I believe we
10 received a memo from Mr. Lee to pull Item 4, to have some
11 discussion on that. So I would like to pull that one.

12 And also, I think we've all disclosed we received
13 a letter yesterday from Mr. Anderson regarding Item 10, so
14 I would like to pull that item as well.

15 CHAIRPERSON BROWN: Okay. For the record, we
16 would like to pull Item 4 revised and Item 10 from the
17 consent agenda and hear those briefly during the regular
18 session. I think that will give us a chance to ask
19 questions and handle things.

20 Any other items that members would like to pull?

21 Is Item 3 a fiscal consent item or a regular
22 consent item?

23 (Discussion held off the record.)

24 It's on regular consent, not fiscal consent. Just
25 scope of work.

1 Thank you for that and the clarification.

2 Okay. Can I have a motion on the revised consent
3 agenda?

4 BOARD MEMBER MULÉ: Madam Chair, I would like to
5 move the consent agenda as revised.

6 BOARD MEMBER WIGGINS: Second.

7 CHAIRPERSON BROWN: It's been moved by Member Mul
8 and seconded by Member Wiggins.

9 Kristen, could you call the roll?

10 EXECUTIVE ASSISTANT GARNER: Danzinger?

11 BOARD MEMBER DANZINGER: Aye.

12 EXECUTIVE ASSISTANT GARNER: Mulé?

13 BOARD MEMBER MULÉ: Aye.

14 EXECUTIVE ASSISTANT GARNER: Petersen?

15 BOARD MEMBER PETERSEN: Aye.

16 EXECUTIVE ASSISTANT GARNER: Wiggins?

17 BOARD MEMBER WIGGINS: Aye.

18 EXECUTIVE ASSISTANT GARNER: Brown?

19 CHAIRPERSON BROWN: Aye.

20 We will hear Item 4 and Item 10 in order with the
21 regular items that will be heard before the Board.

22 For the record, Items 1, 2, 5, 6, and 17 were
23 pulled from the Board agenda this month.

24 And we will move next to fiscal consent calendar.

25 Items 11 and 12 are on fiscal consent. So we will move

1 first to Item 11.

2 DEPUTY DIRECTOR LEVENSON: Good morning, Madam
3 Chair and Board members.

4 I'm Howard Levenson, deputy director for
5 Permitting and Enforcement.

6 Very briefly, this item, which is Consideration of
7 the Scope of Work and Contractor for the Landfill-Based
8 Anaerobic Digestion Compost Pilot Project Contract,
9 requests your consideration of the scope of work and the
10 contractor. This is one of the suite of allocation
11 proposals approved by the Board in September that support
12 the Board's efforts both to go beyond 50 percent and that
13 supports the participation in the bioenergy working group.

14 I think we all realize the importance of organics
15 in the diversion scheme and the many, many challenges that
16 the organics industry faces in citing new facilities or
17 using -- implementing new methods of handling organics.

18 In some areas, this is just not possible. So from
19 staff's perspective, it makes sense that the Board look at
20 as wide a range of organics handling processes as it can.
21 This contract would evaluate an innovative approach that
22 would use the biological process known anaerobic digestion
23 on source-separated greenwaste to produce both gas and
24 energy for a compost product -- gas and energy and compost
25 product. It would be conducted at an existing landfill

1 site, a permitted site. We would be testing a variation
2 on this anaerobic digestion theme. We would be looking at
3 both technical aspects and the economic aspects and the
4 marketability of ensuing compost product.

5 So with that very brief opening remarks, I would
6 recommend Option 1, that you approve the scope of work and
7 the County of Yolo as contractor for this project and
8 adopt resolution No. 2006-199.

9 I would be happy to answer any questions you might
10 have.

11 CHAIRPERSON BROWN: Thank you, Howard.

12 Any questions from Board members?

13 May I have a motion.

14 BOARD MEMBER MULÉ: I would like to move
15 Resolution 2006-199.

16 BOARD MEMBER WIGGINS: Second.

17 CHAIRPERSON BROWN: It's been moved by Member Mul
18 and seconded by Member Wiggins.

19 Kristen, can you call the roll?

20 EXECUTIVE ASSISTANT GARNER: Danzinger?

21 BOARD MEMBER DANZINGER: Aye.

22 EXECUTIVE ASSISTANT GARNER: Mulé?

23 BOARD MEMBER MULÉ: Aye.

24 EXECUTIVE ASSISTANT GARNER: Petersen?

25 BOARD MEMBER PETERSEN: Aye.

1 EXECUTIVE ASSISTANT GARNER: Wiggins?

2 BOARD MEMBER WIGGINS: Aye.

3 EXECUTIVE ASSISTANT GARNER: Brown?

4 CHAIRPERSON BROWN: Aye.

5 Rosalie, I did want to ask you if you wanted to
6 give a committee report for Permitting and Enforcement.

7 BOARD MEMBER MULÉ: I can do that. Actually, you
8 pretty much -- we heard -- I don't have all my notes here,
9 so let me just quickly review here.

10 As you heard, Item 10 -- we heard Item 10. We're
11 going to pull that today which is the scope of work for
12 the -- to identify long-term threats and financial
13 assurance mechanics for post-closure maintenance and
14 corrective action.

15 We also heard -- let's see, we had one -- we had
16 one permit item pulled. We had one that will be heard
17 today. We had one, two, three -- there that were approved
18 on consent agenda, permit items. And also we have an item
19 before us, our next item, which is new projects for solid
20 waste disposal and co-disposal site cleanup program to be
21 considered.

22 And that concludes my report.

23 Thank you.

24 CHAIRPERSON BROWN: Thank you. Now we'll move to
25 Agenda Item 12.

1 Howard?

2 DEPUTY DIRECTOR LEVENSON: Thank you, again, Madam
3 Chair.

4 This item is Consideration of New Projects for the
5 Solid Waste Disposal and Co-disposal Site Cleanup Program.
6 And we're bringing it for your consideration. One large
7 complicated project at the Torres Martinez Reservation and
8 this is -- we're very happy to bring this to you.

9 As you know, in August, the Board approved cleanup
10 of one site, the Tayawa site on the reservation, and that
11 was completed in October.

12 Both the Tayawa site and the Ibanez site before
13 you today, the Board's been requested to clean these up,
14 and this is part of a very large multi-agency
15 collaborative process involving the tribe, local, state,
16 and federal entities. Probably it's unprecedented in its
17 scale and the number of folks involved. So as you know,
18 and you heard today, Riverside County has a lot of illegal
19 dumping problems. And this has been -- there's been
20 illegal dumping at the tribal sites. This particular site
21 involves slightly different situation in which there was
22 an accumulation of a large amount of material over the
23 years.

24 And we had a long presentation on this at the
25 committee, explaining some of the complexities of property

1 ownership and enforcement actions that have been taken.

2 You heard support at the committee from both the
3 tribe and USEPA. I know that Bureau of Indian Affairs is
4 here today as well, if there are any questions.

5 But I'm just going to keep this short. This is on
6 fiscal consent and recommend that the Board approve the
7 proposed project, which is for the amount of \$1.75 million
8 from our existing cleanup contracts, and adopt Resolution
9 No. 2006-200.

10 And I want to thank Scott Walker and Wes Minderman
11 for all the work they have done for working in the
12 collaborative effort and getting in to us.

13 And I know that there are a couple speaker slips
14 as well for you today.

15 So thank you, Madam chair.

16 CHAIRPERSON BROWN: There are. And why don't we
17 go to the speakers so we can take that testimony and then
18 we'll ask any questions we have.

19 Our first speaker is Roger S. Hanson representing
20 Gordon Cooper.

21 Mr. Hanson?

22 MR. HANSON: I'm Director Hanson, H-A-N-S-O-N, of
23 Santa Ana. I'm attorney representing Gordon Cooper.

24 My background on this case stems from representing
25 Mr. Cooper on his appeal from a conviction in the U.S.

1 District Court in San Diego. And the reason I bring that
2 up is because the case in San Diego dealt not with the
3 so-called Mount San Diego thing on the Ibanez property.
4 It dealt with some sewage sludge that was deposited in
5 Imperial County. And there was no prosecution at all, but
6 Mr. Cooper -- or Mount San Diego -- so there's no such
7 thing as to collateral estoppel that's against him, will
8 be used to assess any damages against him, here. That
9 would have to be done de novo, as far as I'm concerned.

10 That matter was appealed to the Ninth Circuit, and
11 I argued the case in the Ninth Circuit. I believe it's a
12 reported decision in U.S. v. Cooper at 173 Fed 3rd. I
13 don't know the exact pages of it. But back in 1997,
14 thereabouts the court decided it and gave that opinion.

15 What I want to do address myself to is the
16 following: I did receive by fax the documentation that
17 was presented here to me. I did not go to San Diego
18 because I couldn't locate Mr. Cooper. Shows how much time
19 has gone by. And I have lost him myself. And finally,
20 through the research, I located where he was and he will
21 be here today and also address the panel.

22 But the thing that occurs to me is, I don't know
23 if it's conclusionary or not, but if you take a look at
24 the letter of October 26th, it talks about the Ibanez
25 illegal disposal site. Well, I challenge whether it was a

1 illegal disposal site because there was an approval
2 obtained for this dumping through the responsible agencies
3 in the State of California, which I will address a little
4 bit later. And Mr. Cooper, at that time, was running a
5 disposal company. And I think the facts will show that
6 the City of San Diego would dredge out of the bays certain
7 islands, to manufacture islands. And one of the islands
8 it manufactured was Fiesta Islands, which they dredged,
9 pulling sand up from the bottom of San Diego Bay and
10 making an island on it.

11 They then utilized that island as a disposal site
12 for the sludge from the City of San Diego. And it was
13 then composted by the City of San Diego, by bulldozing and
14 so forth and mixing large amounts of sand with their
15 compost. So actually, what Mr. Cooper toted away from
16 that island was predominantly sand mixed with sludge and
17 that became the so-called Mt. San Diego where the mesa --
18 which occupies not more than 30 acres, the whole 120-acres
19 site out there. It's quite a flat piece of land. I have
20 been on top of it myself; kind of impressive, the size of
21 it.

22 And it's clear in my mind that the documents that
23 I have been given today do not support why there's
24 something wrong with it.

25 And internally, these documents have been given to

1 me are self-contradictory. While it talks about
2 illegalities, there's no support for any current studies
3 that show that there's something hazardous about this
4 material. So I would call to this panel's attention that
5 we would challenge very vociferously any danger that
6 exists today in Mt. San Diego. Maybe it's an eyesore;
7 maybe it's something that people have gone on and dumped
8 other things on it in the subsequent years. But
9 Mr. Cooper has been away from that site for over ten
10 years. And we don't know what is going on out there, if
11 it's some attractive nuisance, so be it.

12 The documents talk about maybe erecting fences
13 around it, gates around it, which would be a solution to
14 handle this for a while.

15 But I wanted to talk about the Agenda Item No. 12.
16 And if the panel can take a look at Page 1 of Agenda Item
17 No. 12, the bottom lines at roman numeral I talks about
18 "Prioritization category A1 is a confirmed condition of
19 pollution or nuisance from solid waste based on comparison
20 with state minimum standards."

21 I challenge that. I don't think there's any
22 conformed condition of pollution in this material. If
23 there is, it's not been provided to me in these moving
24 papers.

25 Then down at the bottom of that page, under 5,

1 "analysis," there's a statement that says, "The program
2 addresses cleanup of solid waste disposal and co-disposal
3 sites where the responsible party either cannot be
4 identified or is unable or unwilling to pay for a timely
5 remediation and where cleanup is needed to protect public
6 health and safety or the environment."

7 That's -- I think that's a key phrase that I
8 challenge here. In other words, "where cleanup is needed
9 to protect public health and safety or the environment," I
10 think that if any conscientious analysis is made of the
11 current status of the so-called Mt. San Diego, you will
12 not find that it is -- it is a danger to public health,
13 because it's been there for some ten years. Matter of
14 fact, there was efforts to remove some of it and they were
15 stopped from doing that.

16 So that's one of the things that I think is -- is
17 important here.

18 On the second page, it says, under B,
19 "environmental issues," this is what I find somewhat
20 contradictory. On the second page of the agenda, it says,
21 "Based on the available information, staff is not aware of
22 any environmental issues related to this item. However,
23 the proposed project will clean up waste that poses a
24 health and safety threat to the public health and safety
25 and the environment."

1 We again challenge that, because later on, in the
2 long document called Ibanez Illegal Disposal Site,
3 Riverside County, which is not pagination numbered, but I
4 go to pages of that. And Page 4 talks about -- well, I
5 will jump to that a little bit later.

6 At Page 5 -- Page 3 it talks about site
7 prioritization: "A residential subdivision is a
8 project -- is in progress between the site and the school
9 based on the degree of risk to the public health and
10 safety and the environment posed by conditions of the
11 site, prioritization category is A1."

12 Again, I don't see anything in these papers that
13 support any magnitude of numbers that indicate that thing.
14 And so this document, I think, is highly conclusionary
15 that there's something wrong with this site. Could be an
16 eyesore; could be something that if properly mixed with
17 other things, such as some of the greenwaste out there,
18 could be used as a fertilization or a lot of things like
19 between freeway lanes, grow trees, grow all sorts of
20 things. So there could be a lot of good uses that come
21 out of it.

22 CHAIRPERSON BROWN: Mr. Hanson, this is not a
23 legal proceeding. If you have a specific question, I
24 would like to allow our staff to respond to some of
25 your -- but I don't want to get caught up in going page by

1 page in parts of this agenda item that you have a dispute.

2 If you have a particular issue that you want to
3 address briefly and a question, I would like to allow our
4 staff to respond. These are documents that are prepared
5 for the Board in order to pursue cleanup of an illegal
6 disposal site. It's not to go line by line and dispute
7 the information that's provided by staff in a staff
8 evaluation of this matter before the Board.

9 MR. HANSON: All right. Well, just to sum up my
10 position, I don't think that you can show today that there
11 is something dangerous to the health out at Ibanez
12 division. There may be other reasons to take this away,
13 but not because it's unhealthy. As a matter of fact, at
14 the time that this started, my client personally had
15 drilled some eight or nine wells into the sites. And
16 water was sampled and there never was anything wrong with
17 the water.

18 The federal government then added eight more sites
19 and checked it, and there was never anything wrong with
20 the water. So it's not a situation where any residual
21 water damage takes place. So I do challenge why my client
22 should be assessed any type of money for this particular
23 matter.

24 CHAIRPERSON BROWN: That is not what's under
25 consideration today; that may be a future proceeding down

1 the road. This is merely the consideration of a grant to
2 have this site cleaned up.

3 So this -- what you're addressing is not before
4 the Board today. That is not part of our item.

5 MR. HANSON: Nonetheless, I would like to have my
6 client, Mr. Cooper, talk to the Board a little bit about
7 this.

8 CHAIRPERSON BROWN: I would -- I would -- he is
9 our next speaker.

10 I would like to allow our staff to respond to the
11 comments that you've raised so far. If you would like to
12 do that, Howard, or invite Scott Walker up to do that, I
13 would, at least, like those issues that you have raised to
14 be addressed at this time.

15 DEPUTY DIRECTOR LEVENSON: Thank you, Madam Chair.
16 And I would try to be brief, and Scott can fill in if you
17 have a need for details. Our site prioritization scheme
18 is a long standing schemata that we use for looking at all
19 the illegal disposal sites. And there's certain criteria
20 that we use in assessing sites and then ranking them. And
21 this is a fairly standard procedure that we use.

22 In the case of this site, we had photographs at
23 the committee meeting that indicated the encroaching
24 residential development and the presence of the school,
25 and the concerns that we have about particulate matter

1 blowing off the side, you know, into that area.

2 I also would just point out that part of cleanup
3 project, as Mr. Hanson has suggested, part of this will
4 involve the grading and blending of the sludge and its use
5 of agronomic rates, if we can work that out with
6 appropriate engineers.

7 So in our view, this is a typical site; it's an
8 illegal disposal site. It's within a thousand feet of
9 potential development. It's kind of our standard high
10 priority site.

11 The Bureau of Indian Affairs is also here, and
12 they probably could speak more to some of the impacts that
13 they see. But I don't know Scott, if you want to add
14 anything?

15 And as you said, Madam Chair, absolutely
16 correctly, that this particular item is simply about the
17 Board's consideration of the cleanup project itself. And
18 Mr. Levine -- he's somewhere -- is prepared to speak about
19 how we would proceed on cost recovery later on down the
20 line. And that's not the issue at hand here.

21 CHAIRPERSON BROWN: Thank you very much.

22 I will next invite up Gordon Cooper, who's our
23 next speaker.

24 Thank you very much, Mr. Hanson.

25 MR. COOPER: Good afternoon, Board members. My

1 name is Gordon Cooper.

2 I really had no knowledge of this until last week,
3 when Roger gave me a call. I haven't had any contact with
4 any agencies, any individuals listed here since 1994. So
5 I appreciate reading this. We do have documentation on
6 the site, at the time, in 1994. Our firm had been
7 approved by State Water Control Board to open the site,
8 operate this site, and the conditions to do that -- and we
9 had to meet monthly reporting standards on the site.
10 After we're asked by the landowners to leave the site in
11 1994, the Federal EPA, along with PIA came in and did an
12 additional quarter million dollars of drilling and other
13 studies at the site.

14 Never in the site's history, that I know of, has
15 any pollution occurred according to those various agencies
16 studying the site, even to this date.

17 I have been involved in this kind of business
18 since 1964. I basically retired after that site, in 1994,
19 closing two prior sites, never having any legal issues of
20 any type.

21 My main concern is, I have seen the site recently
22 and realized that there's a lot of activity that went on
23 at the site. I don't think it had anything to do with
24 biosolids handling, but there could be issues related to
25 greenwaste and other things that are at the site.

1 My only concern to Roger was the wording that it
2 was called an "illegal dump site." At the all the times
3 that I was there, there was never any issue of anything
4 being illegal.

5 We met the requirements, and like I said, after
6 that, the EPA came in and they couldn't find anything --
7 any positive pollution at the site. I don't know where
8 the illegality comes from other debris that's been brought
9 to the site. I have no knowledge of that.

10 So my main concern in coming here was those words:
11 "illegal."

12 I noticed that on the letter that went out, the
13 City of San Diego was listed and then it goes further into
14 the detail of the letters. The City of San Diego
15 shouldn't be looked at as a recovery factor if they do
16 cleanup the site. And yet, I think the 1972 Clean Water
17 Act that is definitely where they should be heading.

18 But anyway, I do see the City of San Diego said
19 they are entering bankruptcy, but they left Chino Corona
20 Farms over a half a million dollars, which Chino Corona
21 went bankrupt because of that. And yet this report seems
22 as though you don't want to go after the City.

23 There are numerous statements in here on these
24 pages that you have that say that there was never any
25 pollution found or anything else that made it illegal.

1 And I would like to know what makes this site illegal;
2 that's my only concern.

3 I thank you very much and I don't want to take up
4 any more of your time.

5 CHAIRPERSON BROWN: Thank you very much,
6 Mr. Cooper.

7 Howard, would you explain the classification of
8 how we get to this program.

9 DEPUTY DIRECTOR LEVENSON: Madam Chair, first of
10 all I should mention that there are, as Mr. Cooper
11 indicated -- that there are a lot of other kinds of
12 materials at the site including fly ash, gypsum,
13 wallboard, C&D debris, household hazardous debris,
14 appliances, so on and so forth. This is clearly an
15 illegal disposal site by any definition of the law. It
16 falls into our program. There's also a lengthy
17 enforcement history at this site. It's documented in the
18 item.

19 And again, this is simply about cleaning up a site
20 that poses a number of threats to public health and safety
21 in our view. And this money would be used for -- expended
22 from our existing engineering contract for remediation.
23 And subsequent to that cleanup project, we would then come
24 back and work with the -- our legal office, the attorney
25 general's office to -- based on what we found at the site,

1 to see whether and to what extent we want to pursue cost
2 recovery.

3 CHAIRPERSON BROWN: Right. Thank you, Howard.

4 MR. COOPER: Thank you, ma'am.

5 CHAIRPERSON BROWN: Thank you for being here.

6 Last speaker on this item is Tim Miller from the
7 City of San Diego.

8 MR. MILLER: Good morning, Chair and Members of
9 the Board.

10 The City of San Diego made a presentation at the
11 committee meeting, so I will just briefly summarize some
12 of the highlights -- some of the important points that the
13 City believes the Board needs to consider.

14 And just to start off, the City, as a government
15 agency, understands the needs to protect the citizens of
16 their jurisdiction. And so if this Board and its
17 discretion believes it's appropriate to spend State money
18 to clean up this site, we're not going to certainly
19 challenge that determination.

20 Our concern is, and I will just preface my
21 comments on -- with understanding that most of the people
22 who are involved in this situation back between 1990 and
23 1993 have retired from the City. And so the investigation
24 of those of us who are still there is ongoing. But my
25 understanding of the facts are that the City had a

1 contract for \$3 million to have a beneficial reuse of our
2 biosolids from our Point Loma facility, that that contract
3 required the biosolids to be sent to an appropriately
4 licensed facility, and that the City was provided with
5 false documents that that is what was occurring.

6 And then based on that, we in fact terminated our
7 contract with our contractor Chino Corona Farms. And I
8 have not been able to get full documentation about whether
9 or not the City withheld payments because of that
10 farm's -- because of the breach of contract. But
11 understand that the City, of course, did incur substantial
12 expenses in attempting to investigate and deal with the
13 situation we were left with.

14 Some may say that, despite our requirements in our
15 contract, that we demanded documentation of the proper
16 disposal and that we received falsified documents in that
17 regard. We were nevertheless asleep at the switch, but
18 what we're requesting today is an opportunity to come back
19 to the Board and specifically present the evidence that
20 we're able to gather now, 12 years later, about what
21 occurred at that time, and seek a cost waiver.

22 And my understanding from the committee meeting is
23 that there would be direction to staff in that regard,
24 that if the City were to submit a request for the cost
25 waiver, that would be agendaized for the Board's

1 consideration by the staff.

2 CHAIRPERSON BROWN: It will be at a future date.

3 MR. MILLER: Yes, that's my understanding.

4 So with that, I will conclude and thank the Board
5 for your consideration.

6 CHAIRPERSON BROWN: Sure. Thank you, Mr. Miller.

7 And Mr. Copper and Mr. Hanson, thank you. The
8 issues that you raised regarding cost recovery are not
9 before the Board and they are not part of this item. But
10 I do appreciate you taking the time to be here, present
11 your views, and that will be handled at a future date
12 after this site cleanup has been remediated.

13 And Mr. Levine, our legal counsel here, will be
14 the one handling that.

15 Do we have any questions from any Board members on
16 this item?

17 Not from any of our speakers?

18 Okay.

19 Is there a motion?

20 BOARD MEMBER MULÉ: Madam Chair, I move Resolution
21 2006-200.

22 BOARD MEMBER WIGGINS: Second.

23 CHAIRPERSON BROWN: It's been moved by Member Mul
24 and seconded by Member Wiggins.

25 Kristen, can you call the roll?

1 EXECUTIVE ASSISTANT GARNER: Danzinger?

2 BOARD MEMBER DANZINGER: Aye.

3 EXECUTIVE ASSISTANT GARNER: Mulé?

4 BOARD MEMBER MULÉ: Aye.

5 EXECUTIVE ASSISTANT GARNER: Petersen?

6 BOARD MEMBER PETERSEN: Aye.

7 EXECUTIVE ASSISTANT GARNER: Wiggins?

8 BOARD MEMBER WIGGINS: Aye.

9 EXECUTIVE ASSISTANT GARNER: Brown?

10 CHAIRPERSON BROWN: Aye.

11 We will next move to Special Waste Committee and
12 Agenda Item 4.

13 Mr. Lee?

14 DEPUTY DIRECTOR LEE: Thank you, Madam Chair, and
15 good morning, Board members. My name is Jim Lee, deputy
16 director of the Special Waste Division.

17 Madam Chair, on this item is heard -- let me
18 repeat exactly what the item is. Item No. 4 is
19 Consideration of the Eligibility Criteria, Ranking
20 Criteria, and Evaluation Process for the Local Government
21 Waste Tire Cleanup and Amnesty Event Grant Program.

22 This item was heard by the Special Waste Committee
23 and recommended for consent. However, subsequent to the
24 Special Waste Committee action, the desirability of a
25 redefinition of one of the proposed grant eligible

1 entities was brought to my attention.

2 Specifically, in addition to the grant eligibility
3 for local governments, staff would propose grant
4 eligibility for, quote, federally recognized Native
5 American tribes, end quote.

6 However, I subsequently determined this definition
7 may be unduly restrictive and inconsistent with
8 definitions relative to this issue, utilized and approved
9 by the Board in the previous grant cycles.

10 In these previous grant cycles, the Board had
11 approved use of a broader and more inclusive term, quote,
12 qualifying California Indian tribe, end quote.

13 To be consistent with previous Board actions,
14 staff has proposed substitution of the, quote, qualifying
15 California Indian tribes, end quote, for the wording,
16 quote, federally recognized Native American tribe, end
17 quote, in the revised agenda item you have before you.

18 No revision is required to the resolution to
19 reflect these changes.

20 With that, staff recommends the Board approve
21 resolution 2006-188.

22 CHAIRPERSON BROWN: Thank you.

23 Any questions from Board members?

24 Thank you for your memo. Thank you for working on
25 this.

1 Do we have a motion on agenda item four?

2 BOARD MEMBER MULÉ: Madam Chair, I will move
3 resolution 2006-188.

4 BOARD MEMBER WIGGINS: Second.

5 CHAIRPERSON BROWN: It's been moved by member Mul
6 and seconded by Member Wiggins.

7 Kristen, will you call the roll on Item 4.

8 EXECUTIVE ASSISTANT GARNER: Danzinger?

9 BOARD MEMBER DANZINGER: Aye.

10 EXECUTIVE ASSISTANT GARNER: Mulé?

11 BOARD MEMBER MULÉ: Aye.

12 EXECUTIVE ASSISTANT GARNER: Petersen?

13 BOARD MEMBER PETERSEN: Aye.

14 EXECUTIVE ASSISTANT GARNER: Wiggins?

15 BOARD MEMBER WIGGINS: Aye.

16 EXECUTIVE ASSISTANT GARNER: Brown?

17 CHAIRPERSON BROWN: Aye.

18 Thank you.

19 And we will move to Agenda Item 10.

20 I don't think we need a presentation. We have
21 Mr. Anderson who would like to address the Board on Agenda
22 Item 10. So we will move directly to you, Mr. Anderson,
23 to make brief comments on Item 10.

24 MR. ANDERSON: Thank you, Madam Chair, and
25 Members. My name is Peter Anderson. I'm a director of

1 the Center for Competitive Waste Industry. I'm appearing
2 today on behalf of Sierra Club California and the Grass
3 Roots Recycling Network.

4 I apologize to Member Mulé for not doing it at the
5 P&E Committee, but it came up too fast for us. Again, as
6 we have said before, we want to appear here to applaud the
7 Board and the staff for -- in a society that suffers from
8 a severe case of myopia, whatever costs are put off into
9 the future, just simply ignoring it. This Board has
10 really led the way throughout the country, in putting
11 itself forward, to provide solutions for those kinds of
12 long-term costs that are being posed by landfills.

13 And I think it's fitting here that we are meeting
14 in the Los Angeles area where oblivious every year --
15 oblivious to the mudslides that are inevitable, people
16 build million dollar houses on various steep hillsides.
17 And exactly the same kind of situation with that kind of
18 risk component is you don't understand, is an integral
19 part of what you need to manage here for the landfill
20 situation.

21 And let me just point out three critical factors
22 to understand it in that regard:

23 The first one is, you may remember if you attended
24 the December P&E presentation by Scott Walker, we talked
25 about the fact that after the site maintenance period is

1 over is the time we expect to see major additional
2 releases of environmental pollutants. And what you were
3 saying there essentially recapitulated what the EPA staff
4 said -- the EPA -- throughout the period of the 1980s,
5 which is the entire predicate of liner-based landfills,
6 which have limited lives, is a design flaw that is fatal
7 when the actual risk factor continues for centuries, if
8 not millennia.

9 And what you have essentially done is postponed
10 the problem and not prevented it, number one.

11 Number two, EPA also continenced [sic] without any
12 review process in the early 1990s, scaling up to build
13 megafills without any actual evaluation on engineering
14 basics of what that implied. And what it does imply is
15 you have now facilities that are too big to fix, and when
16 they fail, they are too big to paper over. With regard to
17 the whole trend line you have seen of superfund repairs in
18 the past, they have been small sites. So what they have
19 been able to basically do is use the 1991 EPA presumptive
20 remedy guidance and simply fence them off and put a cover
21 on them, but the problem still remains. The site is so
22 large, when it fails, it's going to actually impinge upon
23 highways and drinking water systems. It no longer is the
24 case.

25 And the other one is that the predecessors of all

1 of us, before we came on the scene, have made
2 inappropriate compromises, allowing sites to be used which
3 have no rational basis except for short-term advantage.

4 So the regional water board tried to fence off the
5 whole San Francisco Bay for landfills. And an exception
6 was made for Newby Island because of reducing the
7 transportation costs for San Jose.

8 Another example of that kind of compromise that's
9 been made by predecessors, all with the best of
10 intentions, is Sunshine Canyon, which is 60 miles from the
11 two epicenters of the most active earthquake. Right down
12 the mouth of the landfill is the Interstate 5, and
13 downstream from that is the -- the water supply for
14 19 million people. Or the other ones that have made
15 compromises in terms of grandfathering the old
16 landfills -- and the Redwood landfill.

17 You have all these very substantial risk factors
18 out there that could apply nine-figure or more cleanup
19 costs coming down the road. And what your staff has put
20 before you commendably, is you have to act to get on top
21 to have that situation to avoid having us here today
22 preside over the next savings and loan debacle. That's to
23 the good.

24 But we have to recognize when it's not just a
25 routine period maintenance issue but it's actual major

1 catastrophic site failures of enormous proportions, you
2 need to have -- and this is where we disagree with the
3 staff's proposal, which otherwise a is commendable one --
4 you have to put the cart before the horse. You need a
5 market-based solution. You need people who are
6 professionals and risk managers to be in charge of this
7 process to figure out what to do. And so the difference
8 we have with the staff is not in the overall thrust and
9 the overall scope of that report for the RFP, but in the
10 details. And we recommend a market-based solution, which
11 would have two components that differ from the staff draft
12 before you.

13 The first change is, instead of having engineers
14 who are really putting their expertise in terms of finding
15 specific fixed data points, which are not what we're
16 talking about here; we're talking about failures, and play
17 a lead role to be the risk management professionals we
18 have out there in the -- in the environment.

19 And the second is, where the land engineers will
20 come in, it's very critical. We believe that people who
21 have conflicts of interest should not be put on the spot
22 of making inappropriate judgments. Those who put their PE
23 stamp years ago on sites that may have been problematic
24 ought not to do be asked and put in the very awkward
25 situation of evaluating how much risk that proposes for us

1 today.

2 So we applaud the staff, we applaud the Board, and
3 we ask you to consider those two small changes to the
4 scope for the RFP for the study that will undergird how
5 you will be defining your financial insurance protection,
6 so we will not have us here today to preside over a
7 savings and loan debacle tomorrow.

8 Thank you so much for your time.

9 CHAIRPERSON BROWN: Thank you, Mr. Anderson.

10 Any questions of our speaker?

11 BOARD MEMBER WIGGINS: I think he makes a good
12 point.

13 CHAIRPERSON BROWN: Any other questions?

14 BOARD MEMBER PETERSEN: I don't have a specific
15 question for our speaker, but from staff.

16 CHAIRPERSON BROWN: I think we should have staff
17 respond to the request made by Mr. Anderson and your
18 methodology with development of the scope of work.

19 Thank you, Mr. Anderson.

20 DEPUTY DIRECTOR LEVENSON: Thank you, Madam Chair
21 and Board Members.

22 Clearly, the focus of this study is on looking at
23 the financial kinds of insurance options that might be
24 available to us to deal with the corrective action, the
25 long-term corrective action problems at landfills.

1 As Mr. Anderson has described, I don't think
2 there's any disagreement about the intent of the scope of
3 work or, you know, what we're trying to accomplish here.
4 It's what we've been talking about for the last two and a
5 half years and what the Board has directed us to do and
6 what AB 2296 has directed us to do.

7 The issue again here, as I understand Mr.
8 Anderson's comments, is who will be the contractor? And
9 that is not something that is related to the scope of
10 work; that's related to the RFP package, the minimum
11 qualifications, and the scoring criteria that are included
12 in that RFP package. And that kind of information is not
13 publicly available until such time as this RFP is issued,
14 because we don't want to prejudice people's thinking in
15 terms of who are they going to be talking to about this
16 particular project until it's been approved by DGS and
17 it's out on the streets.

18 So we certainly can accommodate the minimum
19 qualifications. We are going to be looking for a team
20 with qualifications A, B, and C, that has the ability to
21 do X, Y, Z. And that's how we typically handle these in a
22 competitive process.

23 Also just want to point out to you that the
24 timeframe for the competitive process -- this is a
25 complicated study. By the time we get the RFP package

1 approved by Department of General Service and then out on
2 the street, it will probably be about early January, we're
3 hoping. It's -- given the complexity, we feel that people
4 who will be responding need to have about two months to
5 respond. We'll then have to evaluate it.

6 So we, at best, won't be coming back to you with a
7 proposed contractor until April, more likely May, and
8 that's just about the end of the timeframe that we have to
9 encumber these funds.

10 So we're on a tight timeframe, and I feel that
11 these are the kinds of issues that will be handled in that
12 process.

13 CHAIRPERSON BROWN: Thank you, Howard. I
14 appreciate that.

15 I think with Mr. Anderson's letter that he has
16 supplied to us, and the information, it's worthy of taking
17 that into consideration and the development of the RPF and
18 the criteria.

19 DEPUTY DIRECTOR LEVENSON: I appreciate that
20 comment, and we will do so.

21 CHAIRPERSON BROWN: Okay. Thank you. Can we have
22 a motion on Item 10?

23 BOARD MEMBER MULÉ: Madam Chair, I guess I just
24 want to move Item 10, the scope of work. I don't have the
25 resolution before us.

1 Do you have it, Howard?

2 EXECUTIVE DIRECTOR LEARY: It is 2006-198.

3 BOARD MEMBER MULÉ: Okay. Move resolution
4 2006-198.

5 BOARD MEMBER PETERSEN: I will second that.

6 CHAIRPERSON BROWN: It's been moved by Member Mul
7 and seconded by Member Petersen.

8 Kristen, can you call the roll?

9 EXECUTIVE ASSISTANT GARNER: Danzinger?

10 BOARD MEMBER DANZINGER: Aye.

11 EXECUTIVE ASSISTANT GARNER: Mulé?

12 BOARD MEMBER MULÉ: Aye.

13 EXECUTIVE ASSISTANT GARNER: Petersen?

14 BOARD MEMBER PETERSEN: Aye.

15 EXECUTIVE ASSISTANT GARNER: Wiggins?

16 BOARD MEMBER WIGGINS: Well, I hope we can
17 incorporate some of the comments we just heard.

18 And I'm an "aye."

19 CHAIRPERSON BROWN: That's what we asked staff to
20 do, to make sure that is part of their development of the
21 RFP.

22 Aye.

23 Long way to get to an aye.

24 Now we are moving to other items on the agenda. I
25 would first like to offer Committee Chair Petersen an

1 opportunity to make a committee report, if you would like.

2 BOARD MEMBER PETERSEN: Madam Chair, very short.

3 But I'm pleased to announce that we have
4 reappointed three of our Loan Committee members, and they
5 do great work. They are doing a great job. So we're
6 happy about that.

7 And there are other two consent items, and we're
8 ready to go.

9 CHAIRPERSON BROWN: Great. Thank you, Gary.

10 Now we will move to Board Item 16.

11 And that's Mr. Levenson again.

12 DEPUTY DIRECTOR LEVENSON: Thank you, Madam Chair.

13 I'm just going to make a very brief presentation.
14 This item was heard at the Permitting and Enforcement
15 Committee meeting last week and received a two-to-one vote
16 forwarding it to the Board.

17 This is for Consideration of a New Solid Waste
18 Facility Permit for the Chemical Waste Management
19 Kettleman Hills Facility, specifically landfill cell B17.
20 That's going to be a new landfill situated within the
21 boundary of the entire Kettleman Hills facility.

22 As you know, the Board concurred in a revised
23 solid waste facility permit for a different cell in the
24 facility -- landfill B19 -- earlier this year in July.
25 And that was bioreactive landfill.

1 Those two are linked. B17 is eventually going to
2 replace the landfill portion of B19, once it reaches
3 capacity, and it will operate under virtually identical
4 permit conditions. Landfill B17 will commence operations
5 prior to B19. But the key issue -- the key consideration
6 here is that in no case will the combined tonnage that's
7 being disposed of those two cells exceed 2000 tons per
8 day. Won't have 2000 in one cell plus 2000 in another; it
9 will simply be 2000. And it won't be one day it's at one
10 cell and the other day it's at the other cell. It will be
11 undertaken in a phased sequence.

12 So the proposed new permit includes the operation
13 of a new unit for 2000 tons per day, permitted traffic
14 volume of 168 vehicles, and no daily movement on class two
15 soils that can be taken at the site. Although the amount
16 of the soils that can be brought in will be limited simply
17 by the number of vehicles that are allowed at the site.

18 There are a number of other changes or proposals
19 in the permit that are outlined in the item. And the
20 Kings County LEA has provided a finding that the proposed
21 solid waste facilities permit is consistent with and
22 supported by the environmental impact report produced for
23 the site. And our Board staff have determined that all
24 the requirements of the proposed permit have been
25 fulfilled.

1 So therefore, we as Board staff recommend option
2 one and the adoption of Resolution 2006-200 -- dash 214,
3 excuse me.

4 Bob Henry from the Kettleman Hills Facility and
5 Lee Johnson with the Kings County LEA are here if you have
6 any specific questions of them.

7 With that, I would be happy to answer any
8 questions you have.

9 CHAIRPERSON BROWN: Thank you, Howard.

10 Do we have any questions from Board members? Pat?

11 BOARD MEMBER WIGGINS: Did you say there won't be
12 an increase in tonnage?

13 DEPUTY DIRECTOR LEVENSON: This will be a new
14 facility that would be allowed to take up to 2,000 tons
15 per day, but there would not be -- between the existing
16 facility, B-19, and the new facility, B-17, there would be
17 a maximum of 2,000 tons per day in combination.

18 CHAIRPERSON BROWN: So it's really not -- it's
19 2,000 through the gate, basically, at the site. I mean,
20 it's a different cell; it's not a different facility.

21 DEPUTY DIRECTOR LEVENSON: That's correct.

22 CHAIRPERSON BROWN: So it's the same number of
23 cars, the same number of tonnage through the gate.

24 BOARD MEMBER WIGGINS: So why is the pollution
25 going up?

1 DEPUTY DIRECTOR LEVENSON: Both of those, B-19 and
2 B-17, were analyzed under the same basic environmental
3 impact report. And the number of vehicles coming into
4 either one of those cells will cause some significant
5 impacts.

6 After those impacts were mitigated to -- as much
7 as they could, there were still some significant impacts
8 remaining. And for that reason, the Kings County Board of
9 Supervisors did adopt -- and it's one of your
10 attachments -- did adopt a statement of overriding
11 considerations, indicating in their opinion that there
12 were other factors that outweighed the costs of the
13 associated -- or the impacts associated with the
14 pollution.

15 CHAIRPERSON BROWN: Okay. Any other questions?

16 Okay. Thank you. Appreciate that.

17 May I have a motion?

18 BOARD MEMBER MULÉ: Move 2006-214.

19 BOARD MEMBER DANZINGER: I will second it.

20 CHAIRPERSON BROWN: It's been moved by member Mul
21 and seconded by Member Danzinger.

22 Kristen, could you call the roll?

23 EXECUTIVE ASSISTANT GARNER: Danzinger?

24 BOARD MEMBER DANZINGER: Aye.

25 EXECUTIVE ASSISTANT GARNER: Mulé?

1 BOARD MEMBER MULÉ: Aye.

2 EXECUTIVE ASSISTANT GARNER: Petersen?

3 BOARD MEMBER PETERSEN: Aye.

4 EXECUTIVE ASSISTANT GARNER: Wiggins?

5 BOARD MEMBER WIGGINS: Aye.

6 EXECUTIVE ASSISTANT GARNER: Brown?

7 CHAIRPERSON BROWN: Aye.

8 Thank you.

9 Now we will move to our final agenda item, and
10 that would be Executive Director Mark Leary to present
11 that, Item 18.

12 EXECUTIVE DIRECTOR LEARY: Thank you, Madam Chair.
13 Good morning again.

14 Agenda Item 18 is Consideration of the Board's
15 future environmental justice actions.

16 By way of introduction, I would like to say that
17 for the last decade, Board has been very aggressive and
18 progressive in addressing the many issues encompassed in
19 the words "environmental justice."

20 During the last six years, this Board has
21 addressed this issue no less than 12 times including
22 directing staff to change the fundamental decision-making
23 document, its agenda item that --

24 (Audience members leaving council chambers.)

25 CHAIRPERSON BROWN: It's not you, Mark, I swear.

1 EXECUTIVE DIRECTOR LEARY: We changed our
2 fundamental decision-making document, our agenda item, to
3 include environmental justice implications in every single
4 agenda item the Board considers.

5 As we move to address the next 50 percent, we are
6 proposing for your consideration today a series of actions
7 that staff have identified that will further enhance our
8 environmental justice responsiveness. With your blessings
9 of these actions, they are being included in a report to
10 the Legislation that CalEPA is preparing in compliance
11 with the environmental justice statute passed several
12 years ago.

13 CalEPA is required by statute to report to the
14 Legislature every three years. Progress is being made on
15 current environmental justice efforts and on our future
16 action plans. The next triennial report is due
17 January 1st, 2007. The report must describe future
18 environmental justice actions for all -- to address during
19 the primary -- addressed in both the primary goals and
20 environmental justice strategies and the recommendations
21 to the Environmental Justice Advisory Committee.

22 Very briefly, I would like to highlight some of
23 these proposed actions. Much of the fact foundation for
24 these proposed actions comes from a study the Board
25 commissioned back in 2004 to be conducted by UC Santa Cruz

1 Center for Justice Tolerance in the community, in which
2 they strongly recommended that we enhance the
3 infrastructure for public participation and community
4 input in the solid waste process.

5 So as a result, with that foundation, we are
6 proposing today seven different actions that will enhance
7 that ability of communities and the public to participate
8 in our process.

9 One is to conduct training for LEAs, Board staff,
10 and operators in regards to noting requirements for all
11 solid waste and tire facilities and establishing noticing
12 requirements for these permits and modifying the facility
13 information.

14 We will be developing guidance and conduct
15 training classes for LEAs and operators on the new
16 noticing requirements to enhance public participation.

17 Secondly, we're looking to provide additional
18 information on our Web site about our permits,
19 particularly as they relate to all aspects of the
20 application, links to the State Clearinghouse to consider
21 CEQA documents, comment letters, scanned images of permits
22 and notification. Everything that we could possibly
23 consider in permit-related items will be on our Web site,
24 which is an enhancement of what we are currently
25 providing.

1 We're also looking to provide Web-based guidance
2 as part of our program toolbox so the community groups can
3 more succinctly understand solid waste facility permitting
4 processes.

5 We heard today, in great detail, the problems of
6 illegal dumping. Illegal dumping frequently occurs in
7 lower income communities. We continue to support and
8 enhance our activities in regards to illegal dumping, and
9 I know you, the Board, support those activities
10 tremendously.

11 The Board looks to be more involved in the actual
12 local hearings on permits through the AB 1497 process.
13 We, the staff of the Board, are looking, and again, to
14 enhance the understanding of communities of our permit
15 process. We look to participate to a greater extent in
16 1497 hearings.

17 Sixth, we look to assist in our Web site
18 development, working with our Office of Public Affairs and
19 Information Branch Management -- Management Branch, excuse
20 me. We will show -- design a Web site more accessible to
21 a wide public audience with different literacy and
22 language abilities on information related to all our
23 activities. Documents on these sites will be -- provide
24 the clear distinction between the regulatory roles and LEA
25 and the Board to provide the viewer with easy-to-use links

1 on issues and policies of the Waste Board.

2 And finally, we look to provide all of our public
3 outreach in more languages -- information regarding the
4 Board's organizational structure and explanation of key
5 policies that direct staff and LEAs, key contact lists.
6 We certainly recognize that they could be enhanced by
7 being provided in multiple language, again in the interest
8 of enhancing community involvement and community input.

9 So Madam Chair and Board Members, I would like to
10 close by recommending that the Board adopt Option A and
11 adopt Resolution 2006-212.

12 And finally I would like to thank Rubia Packard
13 who was unavailable -- unable to travel here to Riverside
14 as a result of some recent surgery of which she is
15 recovering quite nicely. And thank her for her effort in
16 putting this item together.

17 With that, I will close.

18 CHAIRPERSON BROWN: Thank you, Mark. I appreciate
19 that.

20 And thank you, Rubia.

21 This is an important initiative that has been
22 undertaken, agencywide, to ensure that there is
23 environmental justice considerations taken into all of our
24 videos and citing facilities and handling of our issues in
25 local jurisdictions.

1 Gary?

2 BOARD MEMBER PETERSEN: I just have one question,
3 Mark.

4 In the process that we had gone through in this,
5 surveying the stakeholders and the dialogue of the
6 stakeholders, have they focused in on stakeholders that
7 have been impacted by actual projects?

8 DEPUTY DIRECTOR LEVENSON: Absolutely.
9 Absolutely. In fact, as you know, that's the whole point
10 of 1497, more public community input, more opportunities
11 for public community input. And as we proposed in this,
12 we would like to have more direct involvement in staff --
13 we will have more direct involvement in staff.

14 BOARD MEMBER PETERSEN: Great. Thank you.

15 CHAIRPERSON BROWN: A lot of those members sit on
16 the EJAC, the Environmental Justice Advisory Committee,
17 that meets regularly at CalePA with the agency secretary
18 and each of the boards and departments. So that's
19 important.

20 Do we have any other -- do we have any questions
21 for Mark?

22 Okay.

23 Can I have a motion on Agenda Item 2006-212?

24 BOARD MEMBER PETERSEN: Madam Chair, I would like
25 to move Resolution 2006-212.

1 BOARD MEMBER MULÉ: Second that.

2 CHAIRPERSON BROWN: It's been moved by Member
3 Peterson and seconded by Member Mulé.

4 Kristen, call the roll.

5 EXECUTIVE ASSISTANT GARNER: Danzinger?

6 BOARD MEMBER DANZINGER: Aye.

7 EXECUTIVE ASSISTANT GARNER: Mulé?

8 BOARD MEMBER MULÉ: Aye.

9 EXECUTIVE ASSISTANT GARNER: Petersen?

10 BOARD MEMBER PETERSEN: Aye.

11 EXECUTIVE ASSISTANT GARNER: Wiggins?

12 BOARD MEMBER WIGGINS: Aye.

13 EXECUTIVE ASSISTANT GARNER: Brown?

14 CHAIRPERSON BROWN: Aye.

15 Any comments from any Board members?

16 BOARD MEMBER WIGGINS: Yes. I would like to say
17 that the Board's resolution for Fire and Light -- Fire and
18 Light makes plates that we give to WRAP award winners and
19 so forth, but they hadn't been honored.

20 So there's a beautiful resolution that we
21 presented to them at the Humboldt Waste Authority meeting
22 at the Board of Supervisors, November 4th, Thursday. And
23 Rick Dunne was there, Jon Nuffer was there. About 12
24 people out to dinner afterwards to toast Jon and Natalie
25 and the clerk. So it was a great day. And I'm really

1 glad that we were able to do that.

2 Thank you.

3 CHAIRPERSON BROWN: Thank you, Pat, for presenting
4 that, giving us all the -- giving us all the opportunity
5 to present to Fire and Light. And they have a Web site.
6 They have some beautiful recycled glass products that you
7 can purchase from their Web site. It's an amazing
8 facility.

9 Gary?

10 BOARD MEMBER PETERSEN: Pat, I just want to say,
11 we'll see you at the Senate.

12 CHAIRPERSON BROWN: Actually, she needs to come
13 back. You know, it's the endless goodbye. We would like
14 to invite you and request that you be at the next Board
15 meeting on December 7th?

16 BOARD MEMBER WIGGINS: What?

17 (Laughter.)

18 CHAIRPERSON BROWN: I can't tell you why.

19 BOARD MEMBER WIGGINS: Oh.

20 CHAIRPERSON BROWN: But you know, it is -- it is
21 in Sacramento. It's during the week, but hopefully -- I
22 think you will be in Sacramento for your swearing in.

23 BOARD MEMBER WIGGINS: Well, that's -- the
24 swearing in is the 4th.

25 BOARD MEMBER PETERSEN: Right.

1 BOARD MEMBER WIGGINS: And well, I will look at my
2 schedule to see what I'm doing on the 7th.

3 CHAIRPERSON BROWN: We'll hopefully work it out
4 with you. But that one will be in Sacramento, and we'll
5 have several staff members there.

6 BOARD MEMBER WIGGINS: Okay.

7 CHAIRPERSON BROWN: It's the long goodbye, the
8 long journey.

9 BOARD MEMBER WIGGINS: Okay.

10 CHAIRPERSON BROWN: Anyway, I would like to once
11 again thank -- greatly thank the Riverside County
12 Administration building folks; our guy behind the glass
13 window over there, thank you for all your help; Board of
14 Supervisors; Riverside County; Waste Management; Hans,
15 thank you so much; Matt, thank you for your presentation.
16 And thank you for having us.

17 And this meeting is adjourned.

18 Actually we're not adjourned.

19 We're moving to closed session, for the record.

20 (Thereupon the Board recessed into closed
21 session.)

22 (Thereupon the California Integrated Waste
23 Management Board's full Board meeting
24 adjourned at 12:20 p.m.)

25

1 CERTIFICATE OF REPORTER

2 I, KATHRYN S. KENYON, a Certified Shorthand
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that
5 the foregoing California Integrated Waste Management
6 Board's full Board meeting was reported in shorthand by
7 me, Kathryn S. Kenyon, a Certified Shorthand Reporter of
8 the State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 24th day of November, 2006.

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23 KATHRYN S. KENYON, CSR

24 Certified Shorthand Reporter

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